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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-CE-19-AD; Amdt 39-6782]

Airworthiness Directives; Piper Models PA23, PA23-150, PA123-160, PA23-235, PA23-250, and PA23-250(6) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to certain Piper PA23 series airplanes. This action provides new preflight fuel system drainage procedures and requires fuel system modifications on the affected airplanes. Numerous reports of engine stoppage due to water contaminated fuel have been reported. The actions specified in this AD will reduce the possibility of engine stoppage caused by fuel contamination.

EFFECTIVE DATE: December 10, 1990.

ADDRESSES: Piper Aircraft Corporation Service Bulletin (SB) No. 827A, dated November 4, 1988, and SB No. 932A, dated August 30, 1990, applicable to this AD, may be obtained from the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; Telephone (407) 567-4366. This information also may be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, Aerospace Engineer, Propulsion Branch, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349; Telephone (404) 991-3810.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD providing new preflight fuel system drainage procedures and requiring fuel system modifications on Piper PA23 series airplanes was published in the Federal Register on June 4, 1990 (55 FR 22802). The proposal was prompted by service reports, inquiries from field organizations, and by an NTSB Safety Recommendation.

In 1987, the FAA established a team to conduct an independent evaluation of the Piper PA23 fuel system with respect to water contamination and drain provisions. The team found that it is possible to trap fluid, specifically water, in excess of the capacity of the fuel strainer because of a low spot in the aft inboard corner of the main fuel tanks. Subsequently, Piper issued Service Bulletin (SB) No. 827A on November 4, 1988. Part I of Piper SB No. 827A set forth a revision to the fuel system draining procedures of Piper SB No. 627, issued in 1986, and Part II prescribes a dual-fuel drain kit available for certain airplanes.

On January 12, 1990, Piper issued SB No. 932, applicable to PA23 Series airplanes. Part I of Piper SB No. 932 provides for the installation of a fuel cell wedge kit in unbaffled fuel cells. Part II provides for the installation of an enlarged fuel bowl in airplanes equipped with baffled fuel cells.

Since the condition described is likely to exist or develop in other Piper PA23 series airplanes of the same design, an AD was proposed to require fuel drainage at each preflight inspection, the installation of a dual-fuel drain installation kit on Apache airplanes, and the installation of fuel cell wedges in unbaffled fuel tank airplanes and larger fuel bowls in baffled fuel tank airplanes.

Since the fuel contamination problem described in this proposal could be caused without actual operation of the airplane, the FAA determined that the compliance times could be based upon calendar time rather than hours time-in-service (TIS).

Interested parties have been afforded an opportunity to comment on the proposal, with four parties responding. Two commenters questioned the validity of installing wedges and both expressed doubt that the modification could be accomplished by mechanics in the field. The FAA has determined that although installation of the wedges is not a simple task, previous service experience involving installations of this type has been successful. Therefore, the AD is not amended in light of these comments.

One commenter suggested that a proper fix would be to install drains in low spots in the bladder tanks. The FAA has examined this alternate possible solution and has determined that this would require new bladder tanks at appreciably increased cost to the owner. Therefore, the FAA does not concur with the comment and has determined that the installation of wedges is a better overall solution.

One commenter agreed with the AD and believed that its adoption as a final rule will aid in preventing a significant number of accidents resulting from water in fuel.

During the comment period, the manufacturer made trial installations of the fuel bowls and discovered that an interference existed when the bowl is installed in a turbocharged airplane. In light of this discovery, the manufacturer has issued SB No. 932A, which replaces Part Number (P/N) 89483-008 with P/N 89483-009 and P/N 89483-010 for both turbocharged and nonturbocharged airplanes. The AD has been changed to reflect the replacement of SB No. 932 with SB No. 932A. The rest of the AD is unchanged except for minor editorial changes.

The FAA has determined that the cost breakdown for this AD is as follows:

- Apache Dual-Fuel Kit—1,107 affected airplanes at a part replacement cost of $400 and $560 for labor (14 hours at $40 per hour). The total cost is $960 per airplane for a fleet cost of $1,062,720.
- Fuel Cell Wedge Kit—3,259 affected airplanes at a part replacement cost of $167 and $400 for labor (10 hours at $40 an hour). The total cost is $567 per airplane for a fleet cost of $1,847,853.
- Aztec Fuel Bowls—468 affected airplanes at a part replacement cost of $102 and $40 for labor (1 hour at $40 an hour). The total cost is $142 per airplane for a fleet cost of $66,456.

The total estimated cost is $2,977,029 for the proposed AD. Since the individual airplane cost is so small, this AD will not have a significant financial impact on any small business entities owning the affected airplanes.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) Is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small business entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action has been placed in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Piper: Amendment No. 39–6782. Docket No. 90–CE–19–AD.

Applicability: Models PA23, PA23–150, PA23–160 (serial numbers (S/N) 23–1 through 23–2046), PA23–235 (S/N 27–505 through 27–622), PA23–250, and PA23–250(6) (S/N 27–1 through 27–7405476, and S/N 27–7554001 through 27–8154030) airplanes, certificated in any category.

Compliance: Required within the next 180 calendar days after the effective date of this AD, unless already accomplished.

To preclude rough engine operation or complete power interruption caused by water contamination in the fuel, accomplish the following:

(a) For Models PA23, PA23–150, and PA23–160 airplanes:

(1) Incorporate into the Owner Handbook and/or Pilots Operating Manual the instructions contained in Part I of Piper Service Bulletin (SB) No. 827A, dated November 4, 1988.

(2) Modify the airplane by the installation of Piper Dual-Fuel Drain Kit (Part Number (P/N) 765–363), in accordance with the instructions in Part II of Piper SB No. 827A, dated November 4, 1988.

(3) Modify the airplane by the installation of Piper Fuel Tank Wedge Kit (P/N 599–367), in accordance with the instructions in Part I of Piper SB No. 923A, dated August 30, 1990.

(b) For Models PA23–235, PA23–250, and PA23–250(6) airplanes equipped with unbaffled fuel tanks, modify the airplane by the installation of Piper Fuel Tank Wedge Kit (P/N 599–367), in accordance with the instructions in Part I of Piper SB No. 932A, dated August 30, 1990.

(c) For Models PA23–250 and PA23–250(6) airplanes equipped with baffled fuel cells, modify the airplane by the installation of enlarged fuel bowls (P/N 89483–009 or P/N 89483–010) in accordance with the instructions in Part II of Piper SB No. 932A, dated August 30, 1990.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An alternate method of compliance or adjustment of the initial compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Atlanta Aircraft Certification Office.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; telephone (407) 567–4366 or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on December 10, 1990.

Issued in Kansas City, Missouri, on October 15, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–26281 Filed 11–6–90; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–038; FRL–3855–8]

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves a request by the State of Florida to relax the limits contained in the Florida State Implementation Plan (SIP) for SO_2 and opacity from Florida Power & Light's (FP&L) Sanford No. 4 Unit located in Volusia County, Florida. The relaxed limits would apply only during the test burn for Orimulsion fuel. The purpose of the test is to determine the feasibility of switching to Orimulsion fuel and to test air pollution control equipment to reduce SO_2 and particulate emissions. The relaxed emission limit for particulate emissions was approved in 1980 and is still in effect. The relaxed limits will not interfere with the maintenance of the National Ambient Air Quality Standards and will be limited to a period of eighteen months. Therefore, EPA is today approving the request.

DATES: This action will become effective on January 7, 1991 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to Kay Prince of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

FOR FURTHER INFORMATION CONTACT: Kay Prince, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: On October 11, 1990, the State of Florida through the Florida Department of Environmental Regulation submitted a request for a temporary relaxation of the emission limits contained in the Florida SIP for particulate matter, opacity, and SO_2 for FP&L's Sanford #4 unit. The timeframe for the relaxation would be eighteen months. The relaxed emission limits will become effective on the first day the Orimulsion is burned in Unit No. 4 and will be valid for 18 months or until Orimulsion has been burned for 90 full-

power burn days equivalent (and for an additional 30 full-power burn days equivalent upon showing of good cause), whichever comes first. The purpose of the request is to allow FP&L to conduct tests to determine if switching to Orimulsion fuel is feasible. Orimulsion is an emulsified fuel produced from a naturally occurring bitumen found in the Venezuelan Orinoco River Basin. It is produced when bitumen is recovered using conventional tertiary recovery techniques, is degassed and desalted, and then emulsified into fresh water. The resulting emulsified fuel, Orimulsion, is stable and exhibits excellent combustion characteristics. Test burns using Orimulsion have been conducted in England and Canada. Orimulsion can be obtained at coal-comparable prices rather than at the much more costly liquid fuel prices.

On the basis of the tests conducted in Canada, it is expected that the emissions during the test burn would exceed the limits contained in the Florida SIP for sulfur dioxide, particulate matter, and opacity. FP&L has committee to burn lower sulfur fuel (1% or less) at Sanford Units No. 3 and 5 in order to partially offset the increased emissions projected for Sanford Unit No. 4. The emission limitation for all three units will revert to the previously approved limits when the timeframe for the relaxation expires. In addition, FP&L will be testing several types of control devices during the test burn. Should the Sanford No. 4 Unit ultimately be converted to Orimulsion fuel, FP&L would install control equipment to reduce SO_2 and particulate emissions.

The temporary emission limits requested by FP&L are:

(a) Sulfur dioxide—4.3 lb/mm Btu heat input;

(b) Suspended particulate matter—0.3 lb/mm Btu heat input (steady state) and 0.6 lb/mm Btu heat input (excess emission up to three hours per day); and

(c) Steady State opacity—60%; Excess Emissions Opacity—100%.

The limits in the Florida SIP are:

(a) Sulfur dioxide—2.75 lb/mm Btu heat input;

(b) Suspended particulate matter—0.1 lb/mm Btu heat input, maximum two hour average; and

(c) Steady State Opacity—20%.

Although the SIP contains the emission limits listed above, FP&L was granted a variance in 1980 which allowed the Sanford No. 4 Unit to emit particulate matter at the rate requested for the revision. This variance also relaxed the opacity limit. The relaxed limits were initially granted for the two year variance period allowed in the Florida SIP. Subsequently, as a result of a court determination, the relaxed limits were granted indefinitely. Therefore, the limits which currently apply to Sanford Unit No. 4 are:

(a) Sulfur dioxide—2.75 lb/mm Btu heat input;

(b) Suspended particulate matter—0.3 lb/mm Btu heat input (steady state) and 0.6 lb/mm Btu heat input (excess emission up to three hours per day); and

(c) Steady State Opacity—40%; Excess Emissions Opacity—100%.

The requested limit listed above for particulate matter is the same limit which is currently applicable to Sanford Unit No. 4. For the purpose of this notice, it is necessary only to act on the sulfur dioxide and opacity limits. At the expiration of the variance, the relaxed limits will revert to the limits which are currently in effect for the Sanford facility.

The submittal included a modeling analysis assuming an SO_2 emission rate of 4.3 lb/mm Btu heat input from Sanford Unit No. 4 and an SO_2 emission rate of 1.1 lb/mm Btu heat input from Units No. 3 and 5. The modeling analysis indicated that the increased emissions from Unit No. 4 would result in maximum 3-hour, 24-hour, and annual averages which are less than the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. Additionally, the modeling showed that the SO_2 increment consumption is less than the allowable for PSD.

The aforementioned variance allowed 40% opacity (steady state) with excess opacity > 60% for not more than four 6-minute periods during any 3 hour period for Unit No. 4. The allowable excess emissions in the new variance is equivalent to that previously approved and the steady state opacity increase is only 20%. Therefore, the additional increase in allowed opacity should not create adverse conditions.

The permit requires continuous emission monitors (CEMs) for emissions of carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO_2) and opacity to be installed and operated throughout the test burn period regardless of the fuel being burned. The CEMs must be maintained, calibrated, and evaluated in accordance with the requirements of 40 CFR part 60, appendix B. Compliance tests are required for particulate matter using EPA Test Method 5 or 17 and for SO_2 using EPA Test Method 6c. These tests must be conducted with the source operating within 90–100% of its full capacity when burning Orimulsion fuel. Opacity compliance will be determined from 6-minute averages of the opacity CEM data. There are additional test requirements for sulfuric acid mist, nitrogen oxides, volatile organic compounds, and trace elements and metals.

Since the No. 4 Unit is located in an attainment area for the pollutants in question and the increase in emissions is temporary, EPA is approving these revisions. The technical support information provided by FP&L can be viewed at the EPA Region IV and State offices at the above addresses.

Final Action

EPA approves the temporary relaxation for the sulfur dioxide and opacity limits for Sanford Unit No. 4. This action is being taken without prior proposal because the change is noncontroversial and EPA anticipates no significant comments on it. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 7, 1991. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52:

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note: The Director of the Federal Register approved the incorporation by reference of the Florida SIP on July 1, 1982.

Joe R. Franzmathes,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart K—Florida

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.520 is amended by adding paragraph (c)(71) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(71) The Florida Department of Environmental Regulation submitted an Order authorizing research and testing by the Florida Power & Light Company and the operating permit for the Orimulsion Fuel Test Burn at the Sanford Power Plant Unit No. 4 to EPA on October 11, 1990.

(i) *Incorporation by reference.* (A) Florida Department of Environmental Regulation Order authorizing research and testing by the Florida Power & Light Company adopted on October 4, 1990.

(B) Florida Power Power & Light operating permit number AC 64–180842, PSD–FL–150 which becomes State-effective on January 7, 1991.

(ii) *Other materials.* (A) Letter of October 11, 1990, from the Florida Department of Environmental Regulation.

[FR Doc. 90–26320 Filed 11–6–90; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 761

[OPTS–66008K; FRL 3838–3]

Polychlorinated Biphenyls (PCB's): Manufacturing, Processing, and Distribution in Commerce, Partial Rescission of Exemption Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; partial recission of exemption rule.

SUMMARY: Section 6 of the Toxic Substances Control Act (TSCA) generally prohibits the manufacture, processing and distribution in commerce of polychlorinated biphenyls (PCBs). It also provides a procedure where persons may petition the Administrator, for good cause shown, for an exemption from these prohibitions. This notice announces EPA's decision to rescind an interpretation of 40 CFR 761.20(c)(1) which was included in the PCB Manufacturing, Processing, and Distribution in Commerce Exemption Rule that was published in the **Federal Register** (55 FR 21023) on May 22, 1990.

EFFECTIVE DATE: This decision is effective as of August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

ADDRESSES: The official record for the PCB exemptions is located in the TSCA Public Docket Office, Rm G008, NE Mall, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. The record is available for copying and inspection from 8 a.m. to 12 noon, and from 1 p.m. to 4:30 p.m. Monday through Friday, excluding holidays.

SUPPLEMENTARY INFORMATION: EPA has determined to rescind an interpretation of 40 CFR 761.20(c)(1), only insofar as it requires entities such as the Electric Apparatus Service Association, Inc. (EASA) to obtain an exemption to buy or sell PCB Transformers or PCB-Contaminated Transformers, as discussed in the PCB Manufacturing, Processing, and Distribution in Commerce Exemptions Rule published in the **Federal Register** on May 22, 1990 (55 FR 21025). A stay of this same interpretation was published as an FR Notice on September 13, 1990 (55 FR 37714). This decision to rescind the interpretation does not affect any exemption petition addressed in that rule or any other aspect of that rule or preamble to the rule. Accordingly, the interpretation requiring entities such as EASA obtain an exemption to buy and sell intact, non-leaking PCB or PCB-Contaminated Transformers is hereby rescinded.

Dated: October 26, 1990.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 90–26322 Filed 11–6–90; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 87–389; FCC 90–324]

Regarding the Operation of Radio Frequency Devices Without an Individual License—G/M and M/A-COM Petitions for Reconsideration

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule; petition for reconsideration.

SUMMARY: In response to petitions filed by General Motors Research Corporation (GM) and by M/A-COM, Inc. (M/A-COM), the Commission is amending its rules which limit the field strength permitted in certain frequency bands for harmonic emissions of field disturbance sensors. GA and M/A-COM expressed concern that the limits were too restrictive and unnecessary, would increase the cost of field disturbance sensors, and make some products impractically large. The change adopted herein will continue to allow operation of economical field disturbance sensor equipment and also to ensure that such equipment does not pose a significant threat of interference to authorized communications users.

EFFECTIVE DATE: December 7, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: George Harenberg, Technical Standards Branch, Office of Engineering and Technology, (202) 653–7314.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum, Opinion and Order (MO&O)* in Gen. Docket No. 87–389, FCC 90–324, adopted on September 26, 1990, and released on October 26, 1990.

The full text of this *MO&O* is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Summary of Notice

1. In the First Report and Order (*R&O*) in GEN Docket No. 87–389, the Commission prohibited operation of part 15 intentional radiators in several restricted frequency bands. The

Commission also specified limits on spurious emissions in the restricted frequency bands for intentional radiators. These restrictions were intended to limit the amount of interference caused to certain sensitive radio services. Previously the prohibitions and limitations on operating in specific restricted bands applied to remote control and security devices only.

2. Field disturbance sensors (FDSs) operate by establishing a radio frequency field and then detecting changes in that field caused by the movement of nearby persons or objects. Field disturbance sensors are commonly used to open doors or detect intruders. Many FDSs operate on 10.525 GHz. The second and third harmonics of 10.525 GHz fall in restricted frequency bands and, therefore, are subject to the spurious emission limits for these bands. Under the previous rules, the harmonic emissions of these devices were subject to less stringent limits. GM and M/A-COM, in petitions filed on May 26, 1989, express concern that the limits on harmonic emissions adopted in the R&O will adversely affect the public by making FDS products much more expensive and, in some cases, impractically large. They argue that the previous harmonic emission limits already provide adequate protection to restricted band users.

3. The identification of restricted bands and associated emission limits were developed in cooperation with National Telecommunications Information Administration (NTIA). Consequently, the petitions were referred to NTIA for comment. NTIA responded by proposing a plan for relaxation of the limit for FDS harmonic emissions in the restricted bands above 17.7 GHz. Specifically, NTIA proposes that the limit on harmonic emissions from FDSs designated for use only inside buildings be relaxed to 25 mV/m measured at 3 meters. This is equivalent to the limit in the previous rules. NTIA also proposes that the harmonic emission limit in these bands for FDS devices designated for use outside buildings be relaxed to 7.5 mV/m measured at 3 meters. Finally, NTIA proposes that FDSs used on mobile vehicles not be permitted to operate in a continuous mode.

4. The Commission concludes that the changes proposed by NTIA are generally reasonable. These changes would continue to allow FDS operation at 10.525 GHz in an economically-achievable manner, while maintaining a low likelihood of harmful interference. The emissions from 10.525 GHz FDSs used indoors are greatly attenuated by materials in the walls and ceilings of buildings. This attenuation makes it reasonable to allow higher harmonic emission levels indoors. Therefore, the Commission is relaxing the harmonic emission limit for FDSs designed for use only inside buildings to 25 mV/m measured at 3 meters. This is essentially the same limit as that specified in the previous harmonic limit for FDSs.

5. There also are several aspects of outdoor FDS operations that reduce the likelihood they will cause interference to restricted band users. FDS signals are generally highly directional. Thus, it is unlikely that an FDS signal would be pointed directly at authorized communications systems. Moreover, many FDS systems operating outdoors are at fixed locations. If interference occurs from a fixed FDS, the source can be traced easily and the interference remedied by realigning the FDS system. The government or other restricted band user can also require the emissions from FDSs installed on their property to be attenuated more than that which is needed for FDSs used by the public. Therefore, the Commission concludes that the 7.5 mV/m measured at 3 meters outdoor limit proposed by NTIA would provide adequate protection for restricted band users and, accordingly, the Commission is adopting this as the new standard.

6. The Commission agrees with NTIA that FDSs used in mobile vehicles, such as automobiles and trucks, represent the greatest potential source of interference to restricted band users. It is difficult to predict when and where a mobile FDS will operate. However, the Commission also agrees with GM that railroad cars, farm vehicles, and other specialized equipment pose less interference risk than other vehicles. To address GM's concern regarding railroad operations and farm equipment and to make the rules comparable with those elsewhere in this part, the Commission is applying the prohibition on continuous operation only to motor vehicles and aircraft. The term motor vehicle includes only vehicles that operate on highways, such as trucks, automobiles, and buses. FDS devices used on railroad locomotives, railroad cars, and other track equipment and farm equipment will be permitted to operate on a continuous basis. In addition, the prohibition on continuous operation will not apply to vehicles, such as fork lifts, that are used primarily indoors or for very specialized operations. Finally, the Commission is adopting GM's suggestion that the prohibition on continuous operation not apply if the FDS complies with the restricted band limits contained in §§ 15.205 and 15.209.

7. Based on the comments, the Commission believes that continuous operation is best defined by making the distinction as to whether the FDS transmits on a regular basis whenever the vehicle is in operation or only during periods of limited duration when the vehicle performs certain specific activities. For example, such activities would include operation in reverse gear or signaling a turn. Therefore, operation limited to specific activities of limited duration would be permitted under the rules.

8. The Commission agrees with M/A-COM that the outdoor limit should not be imposed on door openers. These FDSs are not a likely source of interference because they operate over an extremely short distance and are usually aimed towards the ground. They generally are mounted in such a manner that the building provides enough shielding to protect against the weather and also provides attenuation of the FDS signal. In addition, their location can be easily identified and controlled. Accordingly, FDS devices used to open doors will be subject to the indoor emission limit.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio.

Rule Changes

Title 47 of the Code of Federal Regulations, part 15, is amended as follows:

1. The authority citation for part 15 continues to read as follows:

Authority: Sec. 4, 302, 303, 304, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, and 307.

2. Section 15.205 is amended by revising paragraphs (b) and (c) and adding a new paragraph (e), to read as follows:

§ 15.205 Restricted bands of operation.

* * * * *

(b) Except as provided in paragraphs (d) and (e) of this section, the field strength of emissions appearing within these frequency bands shall not exceed the limits shown in § 15.209. At frequencies equal to or less than 1000 MHz, compliance with the limits in § 15.209 shall be demonstrated using measurement instrumentation employing a CISPR quasi-peak detector. Above 1000 MHz, compliance with the emission limits in § 15.209 shall be demonstrated based on the average value of the measured emissions. The provisions in § 15.35 apply to these measurements.

(c) Except as provided in paragraphs (d) and (e) of this section, regardless of the field strength limits specified elsewhere in this subpart, the provisions of this section apply to emissions from any intentional radiator.

* * * * *

(e) Harmonic emissions appearing in the restricted bands above 17.7 GHz from field disturbance sensors operating under the provisions of § 15.245 shall not exceed the limits specified in § 15.245(b).

3. Section 15.245 is amended by revising paragraph (b) to read as follows:

§ 15.245 Operation within the bands 902-928 MHz, 2435-2465 MHz, 5785-5815 MHz, 10500-10550 MHz, and 24075-24175 MHz.

* * * * *

(b) The field strength of emissions from intentional radiators operated within these frequency bands shall comply with the following:

Fundamental frequency (MHz)	Field strength of fundamental (millivolts/meter)	Field strength of harmonics (millivolts/meter)
902-928	500	1.6
2435-2465	500	1.6
5785-5815	500	1.6
10500-10550	2500	25.0
24075-24175	2500	25.0

(1) Regardless of the limits shown in the above table, harmonic emissions in the restricted bands below 17.7 GHz, as specified in § 15.205, shall not exceed the field strength limits shown in § 15.209. Harmonic emissions in the restricted bands at and above 17.7 GHz, and below 40 GHz, shall not exceed the following field strength limits:

(i) For field disturbance sensors designed for use only within a building or to open building doors, 25.0 mV/m.

(ii) For all other field disturbance sensors, 7.5 mV/m.

(iii) Field disturbance sensors designed to be used in motor vehicles or aircraft must include features to prevent continuous operation unless their emissions in the restricted bands fully comply with the limits given in § 15.209. Continuous operation of field disturbance sensors designed to be used in farm equipment, vehicles such as fork lifts that are intended primarily for use indoors or for very specialized operations, or railroad locomotives, railroad cars and other equipment which travels on fixed tracks is permitted. A field disturbance sensor will be considered not to be operating in a continuous mode if its operation is limited to specific activities of limited duration (e.g., putting a vehicle into reverse gear, activating a turn signal, etc.).

(2) Field strength limits are specified at a distance of 3 meters.

(3) Emissions radiated outside of the specified frequency bands, except for harmonics, shall be attenuated by at least 50 dB below the level of the fundamental or to the general radiated emission limits in Section 15.209, whichever is the lesser attenuation.

(4) The emission limits shown above are based on measurement instrumentation employing an average detector. The provisions in § 15.35 for limiting peak emissions apply.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-26333 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-481; RM-6918]

Radio Broadcasting Services; Morehead City, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Curtis Radio Group, Inc., substitutes Channel 242C1 for Channel 242C2 at Morehead City, North Carolina, and modifies its license for Station WRHT(FM) to specify operation on the higher powered channel. See 54 FR 47797, November 17, 1989. Channel 242C1 can be allotted to Morehead City in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 242C1 at Morehead City are North Latitude 34-43-18 and West Longitude 76-42-54. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-481, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under North Carolina, is amended by removing Channel 242C2 and adding Channel 242C1 at Morehead City.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26334 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-574; RM-7068]

Radio Broadcasting Services; Wanchese, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WOBR, Inc., substitutes Channel 237C3 for Channel 237A at Wanchese, North Carolina, and modifies its license for Station WOBR-FM to specify operation on the higher powered channel. *See* 55 FR 325, January 4, 1990. Channel 237C3 can be allotted to Wanchese in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.6 kilometers (4.1 miles) northeast to avoid a shortspacing to Station WRNS-FM, Channel 236C, Kinston, North Carolina, and to accommodate petitioner's desired transmitter site. The coordinates for Channel 237C3 at Wanchese are North Latitude 35-53-20 and West Longitude 75-35-20. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-574, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC

Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 237A and adding Channel 237C3 at Wanchese.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26249 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-593; RM-7069]

Radio Broadcasting Services; Piketon, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ohio Kentucky Radio Company, allots Channel 261A to Piketon, Ohio, as the community's first local FM service. *See* 55 FR 883, January 10, 1990. Channel 261A can be allotted to Piketon in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 261A at Piketon are North Latitude 39-04-00 and West Longitude 83-00-42. Canadian concurrence in the allotment has been received. With this action, this proceeding is terminated.

DATES: Effective December 17, 1990. The window period for filing applications will open on December 18, 1990, and close on January 17, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-593, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Channel 261A at Piketon.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26248 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-464; RM-6859]

Radio Broadcasting Services; Lynchburg, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 269C3 for Channel 269A at Lynchburg, Virginia, and modifies the license for Station WXYU(FM) to specify operation on Channel 269C3 in response to a petition filed by CRS Communications, Inc. *See* 54 FR 46275, November 2, 1989. The coordinates for Channel 269C3 are 37-25-37 and 78-55-00.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-464, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 269A and adding Channel 269C3 at Lynchburg.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26250 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-482; RM-6920]

Radio Broadcasting Services; Newport, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Jonathan Seagull Broadcasting Company, allots Channel 224C3 to Newport, Oregon, as the community's second local FM service. See 54 FR 47798, November 17, 1989. Channel 224C3 can be allotted to Newport in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 224Ce are North Latitude 44-38-30 and West Longitude 124-03-00. With this action, this proceeding is terminated.

DATES: Effective December 17, 1990. The window period for filing applications will open on December 18, 1990, and close on January 17, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-482, adopted September 28, 1990, and released November 2, 1990. The full tex

of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under Oregon, is amended by adding Channel 224C3 at Newport.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–26335 Filed 11–6–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–33; RM–7080]

Radio Broadcasting Services; Marion, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of John W. Pittman, substitutes Channel 263C3 for Channel 263A at Marion, South Carolina, and modifies his construction permit for Station WQTI–FM to specify operation on the higher powered channel. See 55 FR 4886, February 12, 1990. Channel 263C3 can be allotted to Marion in compliance with the Commission's minimum distance separation requirements with a site restriction of 21 kilometers (13.1 miles) northwest to avoid a short-spacing to the requested allotments of Channel 265C2 at Fairmont, North Carolina, and Channel 264A at Andrews, South Carolina. See 55 FR 4885, February 12, 1990. The coordinates for Channel 263C3 at Marion are North Latitude 34–19–23 and West Longitude 79–32–32. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–33, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Channel 263A and adding Channel 263C3 at Marion.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–26336 Filed 11–6–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 172

[Docket No. HM–145I; Amdt Nos. 171–110, 172–122]

RIN 2137–AA68

Hazardous Substances

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In this final rule, RSPA is amending the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) by revising the "List of Hazardous Substances and Reportable Quantities" which appears in the appendix to 49 CFR 172.101. This action is necessary to comply with a 1986 amendment (Pub. L. 99–499) to section 306(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (Pub. L. 96–510) mandating that RSPA regulate, under the HMR, all Environmental Protection Agency (EPA)-designated hazardous substances. The intended effect of this action is to enable shippers and carriers to identify CERCLA hazardous substances and thereby enable them to comply with all applicable HMR requirements and to make the required notifications if a discharge of a hazardous substance occurs. No notice of proposed rulemaking has preceded this final rule because, in light of RSPA's lack of discretion concerning the regulation of hazardous substances under the HMR, RSPA has determined under the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), that such notice would serve no purpose and thus was unnecessary.

EFFECTIVE DATE: This amendment is effective December 31, 1990. However, immediate compliance with the regulations as amended herein is authorized. Because of the CERCLA mandate that RSPA regulate all EPA-designated hazardous substances under the HMR, RSPA has no discretion concerning which hazardous substances (or what quantities of them) to regulate under the HMR. Therefore, the provisions of 49 CFR 172.101(j), which allow up to one year after a change to the Hazardous Materials Table (HMT) to use up stocks of preprinted shipping papers and to ship packages that were marked prior to the change, do not apply to these amendments.

FOR FURTHER INFORMATION CONTACT: John A. Gale (202) 366–4488, Standards Division, or George Cushmac (202) 366–4545, Technical Division, Office of Hazardous Materials Transportation, RSPA, 400 7th Street, SW., Washington, DC 20590. Questions about hazardous substance designations or reportable quantities should be directed to the EPA. Call the RCRA/Superfund hotline at (800) 424–9346 or in Washington, DC (202) 382–3000.

SUPPLEMENTARY INFORMATION:

I. Background

Section 202 of the Superfund Amendments and Reauthorization Act (SARA; Pub. L. 99–499) of 1986 amended section 306(a) of CERCLA by requiring the Secretary of Transportation to list and regulate hazardous substances, listed or designated under section 101(14) of CERCLA, as hazardous materials under the Hazardous Materials Transportation Act (HMTA; 49 App. U.S.C. 1801 *et seq.*). RSPA carries out the rulemaking responsibilities of the Secretary of Transportation under the HMTA (49 CFR 1.53(b)). This final rule is necessary

to comply with section 306(a) of CERCLA as it is amended by section 202 of SARA.

In carrying out that statutory mandate, RSPA has no discretion to change the substances (or the quantities of them) designated by EPA. RSPA's role in regulating hazardous substances is directly tied to EPA's ongoing hazardous substances responsibility. RSPA has no role in determining what is or is not a hazardous substance or the appropriate reportable quantity (RQ) for materials designated as hazardous substances. This authority is vested in EPA. Therefore, under the CERCLA scheme EPA must issue final rules amending the list of CERCLA hazardous substances. In the preamble to the final rule on this subject issued under Docket HM-145F (51 FR 42174; November 21, 1986), RSPA included the following statement:

> It is RSPA's intention to make changes from time to time to the list of hazardous substances or their RQs in the Appendix as adjustments are made by EPA.

This document adjusts the "List of Hazardous Substances and Reportable Quantities", which appears in the appendix to § 172.101, based on seven final rules EPA has published since August 14, 1989. On August 14, 1989, EPA published a final rule in the **Federal Register** (54 FR 33426) which revised the reportable quantities of several hundred hazardous substances. In addition to the reportable quantity changes, however, EPA revised the names of numerous hazardous substances and added many new synonyms to the existing list of hazardous substances. On August 21, 1989, RSPA published a final rule under Docket HM-145G (54 FR 34666) which incorporated into the HMR the reportable quantity revisions that were promulgated under EPA's final rule. However, Docket HM-145G did not incorporate into the HMR those name changes or synonym additions that were also part of the EPA final rule of August 14, 1989. This rule dopts those name changes and synonym additions to the list of hazardous substances EPA promulgated under the final rule of August 14, 1989. On December 27, 1989, EPA published a technical correction (54 FR 53057) to its August 14, 1989, final rule which identifies and explains the reasons for those name changes and synonym additions.

EPA has published six additional rules which affect the "List of Hazardous Substances and Reportable Quantities". On October 6, 1989, EPA published a final rule (54 FR 41402) which added the waste streams K131 and K132 with RQ's of 100 and 1000 pounds, respectively. On December 11, 1989, EPA published a final rule (54 FR 50968) which added the waste stream F025 with an RQ of 1 pound. On February 14, 1990, EPA published a final rule (55 FR 5340) which revised the description for the waste stream F019. On March 29, 1990, EPA published a final rule (55 FR 11798) which added 26 new hazardous substances, D018–D043, and revised the name of "EP Toxicity" to read "Toxicity". On May 4, 1990, EPA published a final rule which added the waste streams K007, K008, K009 and K010 with RQ's of 1 pound each. Finally, on June 1, 1990, EPA published a final rule which added the waste stream F039 with an RQ of 1 pound.

To keep its "List of Hazardous Substances and Reportable Quantities" consistent with EPA's list of CERCLA hazardous substances and reportable quantities, RSPA is amending the HMR in accordance with the EPA final rules mentioned aboved. In addition, RSPA is making several non-substantive changes to its "List of Hazardous Substances and Reportable Quantities". The RQ for "Diethylamine" is corrected to read 1000 pounds. The RQ had been incorrectly listed at 100 pounds. The asterisk signifying that a material is a proper shipping name, which appeared with "Hexachlorobutadiene", is removed because "Hexachlorobutadiene" is not a proper shipping name. The entries "Copper chloride @" and "Phenyl dichloroarsine @" are added as synonyms for "Cupric chloride", and "Arsonous dichloride, phenyl-", respectively. The footnote "@" signifies that the entry is added by RSPA because it is a synonym for a listed hazardous substance and appears in the Hazardous Materials Table as a proper shipping name. The hazardous substance "Hydrogen chloride", which had been inadvertently left off previous lists of hazardous substances, is added with a reportable quantity of 5000 pounds. The term "EP Toxicity" is removed from the HMR and is replaced with the term "Toxicity". Finally, RSPA is rearranging its "List of Hazardous Substances and Reportable Quantities" by listing the characteristic wastes (*i.e.*, EPA hazardous wastes D001–D043) after the specific chemicals and before the "F" listed hazardous wastes.

This rulemaking will enable shippers and carriers to identify CERCLA hazardous substances and thereby enable them to comply with all applicable HMR requirements and to make the required notifications if a discharge of a hazardous substance occurs. In addition to the reporting requirements of the HMR found in §§ 171.15 and 171.16, a discharge of a hazardous substance is subject to the reporting requirements of EPA which are found in 40 CFR 302.6.

The regulatory action in this final rule is mandated by statute, and for this reason, RSPA is not affording persons affected by this rule the relief ordinarily afforded by § 172.101(j) which allows up to one year after a change to the HMT to use up stocks of preprinted shipping papers and to ship packages that were marked prior to the change unless specifically stated otherwise in an amendment or the "**EFFECTIVE DATE**" entry of its preamble.

Because this rulemaking makes numerous modifications to the "List of Hazardous Substances and Reportable Quantities" found in the appendix to § 172.101, RSPA is reprinting it in its entirety. The following listings identify those hazardous substances addressed in this final rule:

A. Hazardous Substances for Which New Synonyms Have Been Added

Name	New synonym
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-.
5-(Aminomethyl)-3-isoxazolol	Muscimol.
Arsenic acid	Arsenic acid H3As04.
1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)]ester	Diethylhexyl phthalate.
Benzene, dimethyl	Benzene, dimethyl.
m-	m-Xylene.
o-	*o*-Xylene.
p-	p-Xylene.
Bis(2-chloroethoxy) methane	Dichloromethoxy ethane.
Calcium cyanide	Calcium cyanide Ca(CN)2.
Carbonochloridic acid, methyl ester	Methyl chloroformate.
Chlordane, technical	Chlordane, alpha & gamma isomers.
Creslyic acid	Phenol, methyl-.
Copper cyanide	Copper cyanide CuCN.
Cyanogen	Ethanedinitrile.
1,2-Dichloropropane	Propane, 1,2-dichloro-.
Endrin	Endrin, & metabolites.
gamma-BHC	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha, 2alpha, 3beta, 4alpha, 5alpha, 6beta)-.
Hydrochloric acid	Hydrogen chloride.
Hydrogen sulfide	Hydrogen sulfide H2S.
Lasiocarpine	2-Butenoic acid, 2-methyl-, 7[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*, 3R*),7aalpha]]-.
Lead subacetate	Lead, bis(acetato-0-)tetra hydroxytri.
Methyl chloroform	Ethane, 1,1,1-trichloro-.
Nickel carbonyl	Nickel carbonyl Ni(CO)4, (T-4)-.

Name	New synonym
Nickel cyanide	Nickel cyanide Ni (CN)2.
Phenyl dichloroarsine	Arsonous dichloride, phenyl-
Potassium cyanide	Potassium cyanide K(CN).
Potassium silver cyanide.	Argentate(1-), bis(cyano-C)-, potassium.
2,4-D, salts and esters.	Acetic acid (2,4-dichlorophenoxy)-.
Selenium disulfide	Selenium sulfide SeS2.
Silver cyanide	Silver cyanide Ag(CN).
Sodium cyanide	Sodium cyanide Na(CN).
Streptozotocin	D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]-.
Thallium(I) chloride	Thallium chloride T1C1.
Thallium(I) nitrate	Nitric acid, thallium(1+) salt.
Trichloroethene	Ethene, trichloro-.
Vinyl acetate	Vinyl acetate monomer.
Zinc cyanide	Zinc cyanide Zn(CN)2.
Zinc phosphide	Zinc phosphide Zn3P2, when present at concentrations greater than 10 percent.

B. Hazardous Substances Whose Names Have Changed

Previous name	New name
Acetic acid, lead salt	Acetic acid, lead (2+) salt.
Acetic acid, thallium(1) salt.	Acetic acid, thallium(1+) salt.
Acetimidic acid, N-[(methylcarbamoyl)-oxy]thio-methyl ester.	Ethanimidiothioic acid, N-[[(methylamino)carbonyl] oxy]-,methyl ester.
Alanine, 3[p-bis(2-chloroethyl)amino] phenyl-, L-.	L-Phenylalanine, 4-[bis(2-chloroethyl)aminol].
3-(alpha-Acetonyl-benzyl)-4-hydroxycoumarin and salts.	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations greater than 0.3 percent.
2-Amino-1-methyl benzene.	Benzenamine, 2-methyl-.
4-Amino-1-methyl benzene.	Benzenamine, 4-methyl-.
Arsenic(III) oxide	Arsenic oxide As203.
Arsenic(V) oxide	Arsenic oxide As205.
Azirino(2'3':3,4) pyrrolo(1,2-a)indole-4,7-dione,6-amino-8-[((aminocarbonyl)oxy) methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-.	Azirino(2'3':3,4)pyrrolo[1,2-a] indole-4,7-dione, 6-amino-8-[((aminocarbonyl)oxy] methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(laalpha, 8beta, 8aalpha, 8balpha))]-.
1,2-Benzanthracen, 7,12-dimethyl-.	Benz[a]anthracene, 7,12-dimethyl-.
1,2-Benzenedicarboxylic acid anhydride.	1,3-Isobenzofurandione.
1,2-Benzenedicarboxylic acid, di-n-octyl ester.	1,2-Benzenedicarboxylic acid, dioctyl ester.
Benzene,2,4-diisocyanatomethyl-	Benzene, 1,3-diisocyanatomethyl.
Benzene, 1-methyl-2,6-dinitro.	Benzene, 1-methyl-1,3-dinitro-.
Benzene, 1,2-methylene-dioxy-4-allyl-.	1,3-Benzodioxole, 5-(2-propenyl)-.
Benzene, 1,2-methylene-dioxy-4-propenyl-.	1,3-Benzodioxole, 5-(1-propenyl)-.
Benzene, 1,2-methylene-dioxy-4-propyl-.	1,3-Benzodioxole, 5-propyl-.
Benzene, trichloromethyl.	Benzene, (trichloromethyl).
1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts.	1,2-Benzisothiazol-3-(2H)-one, 1,1-dioxide.
Bis(2-chloroisopropyl) ether.	Propane, 2,2'-oxybis [2-chloro-.
Bis(chloromethyl)ether.	Dichloromethyl ether.
Bis(dimethylthio-carbamoyl)disulfide.	Thioperoxydicarbonic diamide [(H2N)C(S)]2S2, tetramethyl-.
Bromine cyanide	Cyanogen bromide (CN)Br.
Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene.	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
Carbamide, N-ethyl-N-nitroso-.	Urea, N-ethyl-N-nitroso-.
Carbamide, N-methyl-N-nitroso-.	Urea, N-methyl-N-nitroso-.
Carbamoyl chloride, dimethyl-.	Carbamic chloride, dimethyl-
Carbonic acid, dithallium(1) salt.	Carbonic acid, dithallium(1+) salt.
Carbonyl chloride	Carbonic dichloride.
Carbonyl fluoride	Carbonic difluoride.
Chromic acid, calcium salt.	Chromic acid H2Cr04, calcium salt.
Chlorine cyanide	Cyanogen chloride (CN)C1.
Cresol(s)	Cresol(s).
m-	m-Cresol.
o-	o-Cresol.
p-	p-Cresol.
Cyanides (soluble cyanide salts), not elsewhere specified.	Cyanides (soluble salts and complexes) not otherwise specified.
1,4-Cyclohexadiene-dione.	2,5-Cyclohexadiene-1,4-dione.
Decachloroctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one.	1,3,4-Metheno-2H-cyclobutal [cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloroc-tahydro-.
Diaminotoluene	Benzenediamine, ar-methyl-.
1,2:7,8-Dibenzopyrene.	Benzo [rst]pentaphene.
S-(2,3-Dichloroallyl) diisopropylthio-carbamate.	Carbamothioic acid, bis (1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester.
Dichlorobenzene (mixed).	Dichlorobenzene.
Dichlorodiphenyl dichloroethane.	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro.
Dichlorodiphenyl trichloroethane.	Benzene, 1,1'-(2,2,2-trichloro-ethylidene)bis[4-chloro-.
1,2-trans-Dichloroethylene.	1,2-Dichloroethylene.
3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide.	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-.
Dichloropropene(s) 2,3-Dichloropropene (isomer).	Dichloropropene 2,3-Dichloropropene.
1,4-Diethylene dioxide	1,4-Diethylenedioxide.
O,O-Diethyl S-[2-(ethylthio) ethyl] phosphorodithioate.	Phosphorodithioic acid, O-O-diethyl S-[2-(ethylthio) ethyl]ester.
1,2-Dihydro-3,6-pyridazinedione.	3,6-Pyridazinedione, 1,2-dihydro-.
Dimethylaminoazo-benzene.	p-Dimethylaminoazobenzene.
Dimethylnitrosamine	Methanamine, N-methyl-N-nitroso-.
3,3-Dimethyl-1-(methylthio-2-butanone, O-[(methyl-amino) carbonyl] oxime.	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O[(methylamino) carbonyl] oxmine.
O,O-Dimethyl O-p-nitrophenyl phosphorothioate.	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester.
4,6-Dinitro-o-cyclo-hexylphenol.	2-Cyclohexyl-4,6-dinitrophenol.
2,4-Dithiobiuret	Dithiobiuret.
Dithiopyrophosphoric acid, tetraethyl ester.	Thiodiphosphoric acid, tetraethyl ester.
2,4-D Esters	2,4-D Ester.
Ethanamine, 1,1-dimethyl-2-2phenyl-.	Benzeneethanamine, alpha,alpha-dimethyl-.
1,2-Ethanediylbis-carbamo-dithioic acid.	Carbamodithioic acid, 1,2-ethanediylbis, salts & esters.
Ethane, 1,1,1,2,2,2-hexachloro-.	Ethane, hexachloro-.
Ethane, 1,1,1-trichloro-2,2-bis (p-methoxyphenyl)-.	Benzene, 1,1'-(2,2,2-trichloro ethylidene)bis[4-methoxy-.
Ethenamine, N-methyl-N-nitroso-.	Vinylamine, N-methyl-N-nitroso-.
Ethene, 1,1,2,2-tetrachloro-.	Ethene, tetrachloro-.
Ethene, trans-1,2-dichloro.	Ethene, 1,2-dichloro- (E).
2-Ethoxyethanol	Ethanol, 2-ethoxy-.
Ethyl 4,4'-dichloro-benzilate.	Chlorobenzilate.
Ethylenebis(dithio-carbamic acid).	Ethylenebisdithiocarbamic acid, salts & esters.
Fulminic acid, mercury(li) salt.	Fulminic acid, mercury(2+) salt.
D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido).	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-
Guanidine, N-nitroso-N-methyl-N' -nitro.	Guanidine, N-methyl-N'-nitro-N-nitroso-.
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo,endo-1,4:5,8-dimethanonaphthalene.	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1,a,2,2a,3,6,6a,7,7a-octahydro-, (laalpha,2beta,2abeta,3alpha,-6alpha,6abeta,7beta,7aalpha)-
1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo,exo-1,4:5,8-dimethanonaphthalene.	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,-6beta,6aalpa,7beta,7aalpha)-
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro- 1,4,5,8-endo, endodimethanonaphthalene.	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro, (1alpha,4alpha,4abeta,5beta,-8beta,8abeta)-.
Hexachlorohexahydro-endo, endodimethanonaphthalene.	Isodrin.
Hydroxydimethylarsine oxide.	Arsinic acid, dimethyl-.
Isocyanic acid, methyl ester.	Methane, isocynato-.

Previous name	New name
4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-.	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-.
2-Methylaziridine	Aziridine, 2-methyl-.
2,2'-Methylenebis(3,4,6-trichlorophenol).	Phenol, 2,2'-methylenebis[3,4,6-trichloro-.
Methyl ethyl ketone	Methyl ethy ketone (MEK).
N-Methyl-N'-nitro-N-nitrosoguanidine.	MNNG.
5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-.	5,12-Naphthacendione, 8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoyxy-, (8S-cis)-.
2-Naphthylamine, N,N-bis(2-chloroethyl)-.	Naphthalenamine, N,N'-bis(2-chloroethyl)-.
Nitrogen(II) oxide	Nitrogen oxide NO.
Nitrogen(IV) oxide	Nitrogen oxide NO_2.
N-Nitrosodi-n-propylamine.	1-Propanamine, N-nitroso-N-propyl-.
5-Norbornene-2,3-dime-thanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite.	6,9-Methano-2,4,3-benzo-dioxathiepin, 6,7,8,9,20,20-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide.
Osmium oxide	Osmium oxide OsO4 (T-4)-.
2H-1,3,2-Oxazaphospho-rine,2-[bis(2-chloro-ethyl)amino[tetra-hydro-2-oxide.	2H-1,3,2-Oxazaphosphorin,2-amine, N,N-bis((2-chlor-oethyl) tetrahydro-, 2-oxide.
Oxirane, 2-(chloro-methyl)-.	Oxirane, (chloromethyl)-.
Pentachloronitroben-zene.	Pentachloronitrobenzene (PCNB).
Phenol,2,4-dinitro-6-methyl-, and salts.	Phenol, 2-methyl-4,6-dinitro-
Phenol,2,4-dinitro-6(1-methylpropyl)-.	Phenol, 2-(1-methylpropyl)-4,6-dinitro.
N-Phenylthiourea	Phenylthiourea.
Phosphoric acid, diethyl p-nitrophenyl ester.	Phosphoric acid, diethyl 4-nitrophenyl ester.
Phosphoric acid, lead salt.	Phosphoric acid, lead(2+) salt (2:3).
Phosphorodithioic acid, O,O-diethyl S-methyl ester.	Phosphorodithioic acid, O'O-diethyl S-methyl ester.
Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester.	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester.
Phosphorothioic acid, O,O-dimethyl-O-[p-[(dimethylamino)-sulfonyl]phenyl] ester.	Phosphorothioic acid, O,[4-[(dimethylamino) sulfonyl]phenyl] O,O-dimethyl ester.
1-Propanal, 2,3,-epoxy.	Oxiranecarboxyaldehyde.
Propene, 1,3-dichloro-	1-Propene, 1,3-dichloro.
Pyridine,2-[2-(dimethylamino) ethyl-2-thenylamino]-.	1,2-Ethanediamine, N-N-dimethyl-N'-2-pyridinyl-N'-(2-thienyl-methyl)-.
Pyridine, hexahydro-N-nitroso-.	Piperidine, 1-nitroso-.
Pyridine, (S)-3-(1-methyl-2-pyrroli-dinyl)-, and salts.	Pyridine, 3-(1-methyl-2-pyr-roli-dinyl)-, (S)-.
Pyrophosphoric acid, tetraethyl ester.	Diphosphoric acid, tetraethyl ester.
Pyrrole, tetrahydro-N-nitroso-.	Pyrrolidine, 1-nitroso-.
Selenium disulfide	Selenium sulfide.
Silvex	Silvex (2,4,5-TP).
4,4'-Stilbenediol, alpha,alpha'-diethyl-.	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E).
Strychnidin-10-one, and salts.	Strychnidin-10-one.
Sulfuric acid, thallium(1) salt.	Sulfuric acid, dithallium(1+) salt.
Thallium (III) oxide	Thallium oxide T1203.
Thallium(1) selenide	Selenious acid, dithal-lium(1+) salt.
Thallium(1) selenide	Thallium selenite.
Thioimidodicarbonic diamide.	Thioimidodicarbonic diamide [(H2N)C(S)]2NH.
2,4,5-Trichloro-phenoxy.	Acetic acid, (2,4,5-trichloro-acetic acid phenoxy).
sym-Trinitrobenzene	1,3,5-Trinitrobenzene.
Uracil, 5-[bis(2-chloroethyl) amino]-.	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-.
Vanadium(V) oxide	Vanadium oxide V205.
Warfarin	Warfarin, & salts, when present at concentrations greater than 0.3 percent.
Xylene (mixed)	Xylene (mixed).
m-	m-Benzene, dimethyl.
o-	o-Benzene, dimethyl.
p-	p-Benzene, dimethyl.
Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl) oxy]-,methyl ester.	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester (3beta,16beta,17alpha,-18beta,20alpha)-.

C. Those Hazardous Wastes Streams Whose Descriptions Have Changed

F001	F011
F002	F012
F008	F019
F009	K062
F010	

D. Those Hazardous Substances Which Have Been Added

Name	Reportable quantity
F025	1 (0.454)
F039	1 (0.454)
K107	1 (0.454)
K108	1 (0.454)
K109	1 (0.454)
K010	1 (0.454)
K131	100 (45.4)
K132	1000 (454)
D018 Benzene	10 (4.54)
D019 Carbon tetrachloride	10 (4.54)
D020 Chlordane	1 (0.454)
D021 Chlorobenzene	100 (45.4)
D022 Chloroform	10 (4.54)
D023 o-Cresol	1,000 (454)
D024 m-Cresol	1,000 (454)
D025 p-Cresol	1,000 (454)
D026 Cresol	1,000 (454)
D027 1,4-Dichlorobenzene	100 (45.4)
D028 1,2-Dichloroethane	100 (45.4)
D029 1,1-Dichloroethylene	100 (45.4)
D030 2,4-Dinitrotoluene	10 (4.54)
D031 Heptachlor (and hydroxide)	1 (0.454)
D032 Hexachlorobenzene	10 (4.54)
D033 Hexachlorobutadiene	1 (0.454)
D034 Hexachloroethane	100 (45.4)
D035 Methyl ethyl ketone	5,000 (2270)
D036 Nitrobenzene	1,000 (454)
D037 Pentachlorophenol	10 (45.4)
D038 Pyridine	1,000 (454)
D039 Tetrachloroethylene	100 (45.4)
D040 Trichloroethylene	100 (45.4)
D041 2,4,5-Trichloroethylene	10 (4.54)
D042 2,4,6-Trichlorophenol	10 (4.54)
D043 Vinyl Chloride	1 (0.454)

Administrative Notices

In accordance with the Administrative Procedure Act, 5 U.S.C. 553, RSPA has determined that a notice of proposed rulemaking and an opportunity for public comment and review are impracticable and unnecessary. SARA mandated that the Department of Transportation regulate, as hazardous materials under 49 CFR parts 171–180, those hazardous substances designated under CERCLA. EPA is the sole agency authorized to designate hazardous substances and their reportable quantities. Therefore, public comment and review are unnecessary because: (1) The public was afforded time to comment when EPA published its notice of proposed rulemaking concerning that agency's change in the subject RQs; and (2) RSPA does not have the authority to designate hazardous substances or determine their reportable quantities.

RSPA has determined that this rulemaking: (1) Is not a "major rule" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et seq); and (5) does not require the preparation of a regulatory evaluation.

Based on limited information concerning the size and nature of entities likely to be affected, I certify that this regulation will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

49 CFR Part 171

Exports, Hazardous materials transportation, Definitions, Hazardous

waste, Imports, Report and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous wastes, Labeling, Packaging and containers, Reporting and record keeping requirements, Shipping papers, Markings, and Emergency response information.

In consideration of the foregoing, parts 171 and 172 of title 49, Code of Federal Regulations, are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for part 171 continues to read as follows:

Authority: 49 App. U.S.C. 1802, 1803, 1804, 1808; 49 CFR part 1, unless otherwise noted.

2. In. § 171.11(d)(1)(i)(C), remove the words "EP toxicity" and add, in their place, "Toxicity".

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

3. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, and 1808; 49 CFR part 1.

4. The Appendix to § 172.101, entitled "List of Hazardous Substances and Reportable Quantities", is revised to read as follows:

Appendix to 172.101—List of Hazardous Substances and Reportable Quantities

1. This appendix lists materials and their corresponding reportable quantities (RQs) which are listed or designated as "hazardous substances" under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; Pub. L. 96-510). This appendix is divided into 2 tables which are entitled "Table 1—Hazardous Substances Other Than Radionuclides" and "Table 2—Radionuclides". A material listed in this appendix is regulated as a hazardous material and a hazardous substance under this subchapter if it meets the definition of a hazardous substance in § 171.8 of this subchapter.

2. The procedure for selecting a proper shipping name for a hazardous substance is set forth in § 172.101(c)(9).

3. Column 1 of Table 1, entitled "Hazardous substance", contains the names of those elements and compounds which are hazardous substances. Following the listing of elements and compounds is a listing of waste streams. These waste streams appear on the list in numerical sequence and are referenced by the appropriate "F" and "K" numbers. Column 2 of Table 1, entitled "Synonyms", contains the names of synonyms for certain elements and compounds listed in Column 1. No synonyms are listed for waste streams. Synonyms are useful in identifying hazardous substances and in identifying proper shipping names. Column 3 of Table 1, entitled "Reportable quantity (RQ)", contains the reportable quantity (RQ), in pounds and kilograms, for each hazardous substance listed in Column 1 of Table 1.

4. A series of notes are used throughout Table 1 and Table 2 to provide additional information concerning certain hazardous substances. These notes are explained at the end of each Table.

5. Table 2 lists radionuclides which are hazardous substances and their corresponding RQs. The RQs in Table 2 for radionuclides are expressed in units of curies and terabecquerels, whereas those in Table 1 are expressed in units of pounds. If a material is listed in both Table 1 and Table 2, the lower RQ shall apply. Radionuclides are listed in alphabetical order. The RQs for radionuclides are given in the radiological unit of measure of curie, abbreviated "Ci", followed, in parentheses, by an equivalent unit measured in terabecquerels, abbreviated "TBq".

6. For mixtures of radionuclides, the following determinations shall be used in determining if a package contains an RQ of a hazardous substance:

(i) If the identity and quantity (in curies or terabecquerels) of each radionuclide in a mixture or solution is known, the ratio between the quantity per package (in curies or terabecquerels) and the RQ for the radionuclide must be determined for each radionuclide. A package contains an RQ of a hazardous substance when the sum of the ratios for the radionuclides in the mixture or solution is equal to or greater than one;

(ii) if the identity of each radionuclide in a mixture or solution is known but the quantity per package (in curies or terabecquerels) of one or more of the radionuclides is unknown, an RQ of a hazardous substance is present in a package when the total quantity (in curies or terabecquerels) of the mixture or solution is equal to or greater than the lowest RQ of any individual radionuclide in the mixture or solution; and

(iii) if the identity of one or more radionuclides in a mixture or solution is unknown (or if the identity of a radionuclide by itself is unknown), an RQ of a hazardous substance is present when the total quantity (in curies or terabecquerels) in a package is equal to or greater than either one curie or the lowest RQ of any known individual radionuclide in the mixture or solution, whichever is lower.

Table 1—Hazardous Substances Other Than Radionuclides

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Acenaphthene		100 (45.4)
Acenaphthylene		5000 (2270)
Acetaldehyde *	Ethanal	1000 (454)
Acetaldehyde, chloro-	Chloroacetaldehyde	1000 (454)
Acetaldehyde, trichloro-	Chloral	5000 (2270)
Acetamide, N-(aminothioxomethyl)-	1-Acetyl-2-thiourea	1000 (454)
Acetamide, N-(4-ethoxyphenyl)-	Phenacetin	100 (45.4)
Acetamide, N-fluoren-2-yl-	2-Acetylaminofluorene	1 (0.454)
Acetamide, 2-fluoro-	Fluoroacetamide	100 (45.4)
Acetic acid *		5000 (2270)
Acetic acid (2,4-dichlorophenoxy)-	2,4-D, salts and esters	100 (45.4)
	2,4-D acid	
Acetic acid, ethyl ester	Ethyl acetate *	5000 (2270)
Acetic acid, fluoro-, sodium salt	Fluoroacetic acid, sodium salt	10 (4.54)
Acetic acid, lead (2+) salt	Lead acetate	5000 (2270)
Acetic acid, thallium(I+) salt	Thallium(I) acetate	100 (45.4)
Acetic acid, (2,4,5-trichlorophenoxy)	2,4,5-T *	1000 (454)
	2,4,5-T acid	
Acetic anhydride *		5000 (2270)
Acetone *	2-Propanone	5000 (2270)
Acetone cyanohydrin *	Propanenitrile, 2-hydroxy-2-methyl-	10 (4.54)
	2-Methyllactonitrile	

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Acetonitrile *	Ethanenitrile	5000 (2270)
Acetophenone	Ethanone, 1-phenyl-	5000 (2270)
2-Acetylaminofluorene	Acetamide, N-fluoren-2-yl-	1 (0.454)
Acetyl bromide *		5000 (2270)
Acetyl chloride *	Ethanoyl chloride	5000 (2270)
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	1000 (454)
Acrolein *	2-Propenal	1 (0.454)
Acrylamide	2-Propenamide	5000 (2270)
Acrylic acid *	2-Propenoic acid	5000 (2270)
Acrylonitrile *	2-Propenenitrile	100 (45.4)
Adipic acid		5000 (2270)
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	1 (0.454)
Aldrin *	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene 1,4,5,8-Dimethanonaphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-,(1alpha,4alpha,4abeta,5alpha,8a.	1 (0.454)
Allyl alcohol *	2-Propen-1-ol	100 (45.4)
Allyl chloride *		1000 (454)
Aluminum phosphide *		100 (45.4)
Aluminum sulfate *		5000 (2270)
5-(Aminomethyl)-3-isoxazolol	3(2H)-Isoxazolone, 5-(aminomethyl)- Muscimol	1000 (454)
4-Aminopyridine	4-Pyridinamine	1000 (454)
Amitrole	1H-1,2,4-Triazol-3-amine	10 (4.54)
Ammonia *		100 (45.4)
Ammonium acetate		5000 (2270)
Ammonium benzoate		5000 (2270)
Ammonium bicarbonate		5000 (2270)
Ammonium bichromate	Ammonium dichromate @	10 (4.54)
Ammonium bifluoride *		100 (45.4)
Ammonium bisulfite *		5000 (2270)
Ammonium carbamate *		5000 (2270)
Ammonium carbonate *		5000 (2270)
Ammonium chloride		5000 (2270)
Ammonium chromate		10 (4.54)
Ammonium citrate, dibasic		5000 (2270)
Ammonium dichromate @	Ammonium bichromate	10 (4.54)
Ammonium fluoborate *		5000 (2270)
Ammonium fluoride *		100 (45.4)
Ammonium hydroxide *		1000 (454)
Ammonium oxalate *		5000 (2270)
Ammonium picrate *	Phenol, 2,4,6-trinitro-, ammonium salt	10 (4.54)
Ammonium silicofluoride *		1000 (454)
Ammonium sulfamate		5000 (2270)
Ammonium sulfide *		100 (45.4)
Ammonium sulfite		5000 (2270)
Ammonium tartrate		5000 (2270)
Ammonium thiocyanate		5000 (2270)
Ammonium vanadate	Vanadic acid, ammonium salt	1000 (454)
Amyl acetate *		5000 (2270)
iso-Amyl acetate		
sec-Amyl acetate		
tert-Amyl acetate		
Aniline *	Benzenamine	5000 (2270)
Anthracene		5000 (2270)
Antimony ¢		5000 (2270)
Antimony pentachloride *		1000 (454)
Antimony potassium tartrate *		100 (45.4)
Antimony tribromide *		1000 (454)
Antimony trichloride *		1000 (454)
Antimony trifluoride *		1000 (454)
Antimony trioxide		1000 (454)
Argentate(1-), bis(cyano-C)-, potassium	Potassium silver cyanide	1 (0.454)
Aroclor 1016	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1221	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1232	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1242	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1248	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1254	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Aroclor 1260	POLYCHLORINATED BIPHENYLS (PCBs)	1 (0.454)
Arsenic * ¢		1 (0.454)
Arsenic acid *	Arsenic acid H3AsO4	1 (0.454)
Arsenic acid H3AsO4	Arsenic acid *	1 (0.454)
Arsenic disulfide *		1 (0.454)
Arsenic oxide As203	Arsenic trioxide *	1 (0.454)
Arsenic oxide As205	Arsenic pentoxide *	1 (0.454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Arsenic pentoxide *	Arsenic oxide As205	1 (0.454)
Arsenic trichloride *		1 (0.454)
Arsenic trioxide *	Arsenic oxide As203	1 (0.454)
Arsenic trisulfide *		1 (0.454)
Arsine, diethyl-	Diethylarsine	1 (0.454)
Arsinic acid, dimethyl-	Cacodylic acid	1 (0.454)
Arsonous dichloride, phenyl-	Dichlorophenylarsine	1 (0.454)
	Phenyl dichloroarsine @	
Asbestos * ¢¢		1 (0.454)
Auramine	Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	100 (45.4)
Azaserine	L-Serine, diazoacetate (ester)	1 (0.454)
Azinphos methyl @	Guthion *	1 (0.454)
Aziridine	Ethylenimine—	1 (0.454)
	Ethylene imine@	
Aziridine, 2-methyl-	1,2-Propylenimine	1 (0.454)
Azirino[2',3':3,4]pyrrolo(1,2-a)indole-4,7-dione,6- amino-8-[[(aminocarbonyl)oxy] methyl]-1,1a,2,8,8a, 8b-hexahydro-8a-methoxy-5-methyl-, [1aS-[aalpha,8beta,8aalpha,8balpha)]-.	Mitomycin C	10 (4.54)
Barium cyanide *		10 (4.54)
Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	3-Methylcholanthrene	10 (4.54)
Benz[c]acridine	3,4-Benzacridine	100 (45.4)
3,4-Benzacridine	Benz[c]acridine	100 (45.4)
Benzal chloride	Benzene, dichloromethyl-	5000 (2270)
Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)	Pronamide	5000 (2270)
Benz[a]anthracene	Benzo[a]anthracene	10 (4.54)
	1,2-Benzanthracene	
1,2-Benzanthracene	Benz[a]anthracene	10 (4.54)
	Benzo[a]anthracene	
Benz[a]anthracene, 7,12-dimethyl-	7,12-Dimethylbenz[a]anthracene	1 (0.454)
Benzenamine	Aniline *	5000 (2270)
Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl-	Auramine	100 (45.4)
Benzenamine, 4-chloro-	p-Chloroaniline	1000 (454)
Benzenamine, 4-chloro-2-methyl-, hydrochloride	4-Chloro-o-toluidine, hydrochloride	100 (45.4)
Benzenamine, N,N-dimethyl-4-(phenylazo)-	p-Dimethylaminoazobenzene	10 (4.54)
Benzenamine, 2-methyl-	o-Toluidine	100 (45.4)
Benzenamine, 4-methyl-	p-Toluidine	100 (45.4)
Benzenamine, 4,4'-methylenebis(2-chloro-	4,4'-Methylenebis(2-chloroaniline)	10 (4.54)
Benzenamine, 2-methyl-, hydrochloride	o-Toluidine hydrochloride	100 (45.4)
Benzenamine, 2-methyl-5-nitro-	5-Nitro-o-toluidine	100 (45.4)
Benzenamine, 4-nitro-	p-Nitroaniline *	5000 (2270)
Benzene *		10 (4.54)
Benzene, 1-bromo-4-phenoxy-	4-Bromophenyl phenyl ether	100 (45.4)
Benzene, chloro-	Chlorobenzene *	100 (45.4)
Benzene, chloromethyl-	Benzyl chloride *	100 (45.4)
Benzene, 1,2-dichloro-	o-Dichlorobenzene *	100 (45.4)
	1,2-Dichlorobenzene	
Benzene, 1,3-dichloro-	m-Dichlorobenzene	100 (45.4)
	1,3-Dichlorobenzene	
Benzene, 1,4-dichloro-	p-Dichlorobenzene *	100 (45.4)
	1,4-Dichlorobenzene	
Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro	DDD	1 (0.454)
	TDE *	
	4,4'-DDD	
Benzene, dichloromethyl-	Benzal chloride	5000 (2270)
Benzene, 1,3-diisocyanatomethyl	Toluene diisocyanate *	100 (45.4)
Benzene, dimethyl	Xylene * (mixed)	1000 (454)
m-Benzene, dimethyl	m-Xylene	
o-Benzene, dimethyl	o-Xylene	
p-Benzene, dimethyl	p-Xylene	
Benzene, hexachloro-	Hexachlorobenzene	10 (4.54)
Benzene, hexahydro-	Cyclohexane *	1000 (454)
Benzene, hydroxy-	Phenol *	1000 (454)
Benzene, methyl-	Toluene *	1000 (454)
Benzene, 1-methyl-2,4-dinitro-	2,4-Dinitrotoluene	10 (4.54)
Benzene, 2-methyl-1,3-dinitro-	2,6-Dinitrotoluene	100 (45.4)
Benzene, 1-methylethyl-	Cumene	5000 (2270)
Benzene, nitro-	Nitrobenzene *	1000 (454)
Benzene, pentachloro-	Pentachlorobenzene	10 (4.54)
Benzene, pentachloronitro-	Pentachloronitrobenzene (PCNB)	100 (45.4)
Benzene, 1,2,4,5-tetrachloro-	1,2,4,5-Tetrachlorobenzene	5000 (2270)
Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	DDT *	1 (0.454)
	4,4'-DDT	
Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy)-	Methoxychlor	1 (0.454)
Benzene, (trichloromethyl)	Benzotrichloride	10 (4.54)
Benzene, 1,3,5-trinitro-	1,3,5-Trinitrobenzene	10 (4.54)
Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester.	Chlorobenzilate	10 (4.54)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-	Chlorambucil	10 (4.54)
Benzenediamine, ar-methyl-	Toluenediamine *	10 (4.54)
1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester	Bis(2-ethylhexyl)phthalate—	100 (45.4)
	Diethylhexyl phthalate	
1,2-Benzenedicarboxylic acid, dibutyl ester	Di-n-butyl phthalate	10 (4.54)
	Dibutyl phthalate	
	n-Butyl phthalate	
1,2-Benzenedicarboxylic acid, diethyl ester	Diethyl phthalate	1000 (454)
1,2-Benzenedicarboxylic acid, dimethyl ester	Dimethyl phthalate	5000 (2270)
1,2-Benzenedicarboxylic acid, dioctyl ester	Di-n-octyl phthalate	5000 (2270)
1,3-Benzenediol	Resorcinol	5000 (2270)
1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl]-	Epinephrine	1000 (454)
Benzeneethanamine, alpha,alpha-dimethyl-	alpha,alpha-Dimethylphenethylamine	5000 (2270)
Benzeneethanamine, alpha,alpha-dimethyl-	alpha,alpha-Dimethylphenethylamine	5000 (2270)
Benzenesulfonic acid chloride	Benzenesulfonyl chloride	100 (45.4)
Benzenesulfonyl chloride	Benzenesulfonic acid chloride	100 (45.4)
Benzenethiol	Phenyl mercaptan @	100 (45.4)
	Thiophenol	
Benzidine *	(1,1'-Biphenyl)-4,4'diamine	1 (0.454)
1,2-Benzisothiazol-3(2H)-one,1,1-dioxide	Saccharin and salts	100 (45.4)
Benzo[a]anthracene	Benz[a]anthracene	10 (4.54)
	1,2-Benzanthracene	
1,3-Benzodioxole, 5-(2-propenyl)-	Safrole	100 (45.4)
1,3-Benzodioxole, 5-(1-propenyl)-	Isosafrole	100 (45.4)
1,3-Benzodioxole, 5-propyl-	Dihydrosafrole	10 (4.54)
Benzo[b]fluoranthene		1 (0.454)
Benzo[k]fluoranthene		5000 (2270)
Benzo[j,k]fluorene	Fluoranthene	100 (45.4)
Benzoic acid		5000 (2270)
Benzonitrile *		5000 (2270)
Benzo[g,h,i]perylene		5000 (2270)
2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations greater than 0.3%.	Warfarin, & salts, when present at concentrations greater than 0.3%	100 (45.4)
Benzo[a]pyrene	3,4-Benzopyrene	1 (0.454)
3,4-Benzopyrene	Benzo[a]pyrene	1 (0.454)
p-Benzoquinone	2,5-Cyclohexadiene-1,4-dione	10 (4.54)
Benzo [rst]pentaphene	Dibenz[a,i]pyrene	10 (4.54)
Benzotrichloride	Benzene, (trichloromethyl)	10 (4.54)
Benzoyl chloride *		1000 (454)
1,2-Benzphenanthrene	Chrysene	100 (45.4)
Benzyl chloride *	Benzene, chloromethyl-	100 (45.4)
Beryllium ¢	Beryllium dust ¢	10 (4.54)
Beryllium chloride *		1 (0.454)
Beryllium dust ¢	Beryllium ¢	10 (4.54)
Beryllium fluoride *		1 (0.454)
Beryllium nitrate *		1 (0.454)
alpha - BHC		10 (4.54)
beta - BHC		1 (0.454)
delta - BHC		1 (0.454)
gamma - BHC	Hexachlorocyclohexane (gamma isomer)	1 (0.454)
	Lindane *	
	Cyclohexane,1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-.	
2,2'-Bioxirane	1,2:3,4-Diepoxybutane	10 (4.54)
(1,1'-Biphenyl)-4,4'-diamine	Benzidine *	1 (0.454)
(1,1'-Biphenyl)-4,4'-diamine,3,3'-dichloro-	3,3'-Dichlorobenzidine	1 (0.454)
(1,1'-Biphenyl)-4,4'-diamine,3,3'-dimethoxy-	3,3'-Dimethoxybenzidine	10 (4.54)
(1,1'-Biphenyl)-4,4'-diamine,3,3'-dimethyl-	3,3'-Dimethylbenzidine	10 (4.54)
Bis(2-chloroethoxy) methane	Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro-	1000 (454)
	Dichloromethoxy ethane	
Bis(2-chloroethyl) ether	Dichloroethyl ether	10 (4.54)
	Ethane, 1,1'-oxybis(2-chloro-	
Bis(2-ethylhexyl)phthalate	1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)]ester	100 (45.4)
	Diethylhexyl phthalate	
Bromoacetone *	2-Propanone, 1-bromo-	1000 (454)
Bromoform	Methane, tribromo-	100 (45.4)
4-Bromophenyl phenyl ether	Benzene, 1-bromo-4-phenoxy-	100 (45.4)
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	100 (45.4)
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	Hexachlorobutadiene	1 (0.454)
1-Butanamine, N-butyl-N-nitroso-	N-Nitrosodi-n-butylamine	10 (4.54)
1-Butanol	n-Butyl alcohol *	5000 (2270)
2-Butanone	Ethyl methyl ketone @	5000 (2270)
	Methyl ethyl ketone (MEK) *	
2-Butanone, 3,3-dimethyl-1-(methylthio)-,O-[(methylamino)carbonyl] oxime.	Thiofanox	100 (45.4)
2-Butanone peroxide	Methyl ethyl ketone peroxide *	10 (4.54)
2-Butenal	Crotonaldehyde *	100 (45.4)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
2-Butene, 1,4-dichloro-	1,4-Dichloro-2-butene	1 (0.454)
2-Butenoic acid, 2-methyl-,7[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*, 3R*), 7aalpha]]-	Lasiocarpine	10 (4.54)
Butyl acetate *		5000 (2270)
iso-Butyl acetate		
sec-Butyl acetate		
tert-Butyl acetate		
n-Butyl alcohol *	1-Butanol	5000 (2270)
Butylamine *		1000 (454)
iso-Butylamine		
sec-Butylamine		
tert-Butylamine		
Butyl benzyl phthalate		100 (45.4)
n-Butyl phthalate	Di-n-butyl phthalate	10 (4.54)
	Dibutyl phthalate	
	1,2-Benzenedicarboxylic acid, dibutyl ester	
Butyric acid *		5000 (2270)
iso-Butyric acid		
Cacodylic acid	Arsenic acid, dimethyl-	1 (0.454)
Cadmium ¢		10 (4.54)
Cadmium acetate		10 (4.54)
Cadmium bromide		10 (4.54)
Cadmium chloride		10 (4.54)
Calcium arsenate *		1 (0.454)
Calcium arsenite *		1 (0.454)
Calcium carbide *		10 (4.54)
Calcium chromate	Chromic acid H2CrO4, calcium salt	10 (4.54)
Calcium cyanide *	Calcium cyanide Ca(CN)2	10 (4.54)
Calcium cyanide Ca(CN)2	Calcium cyanide	10 (4.54)
Calcium dodecylbenzene sulfonate		1000 (454)
Calcium hypochlorite *		10 (4.54)
Camphene, octachloro-	Toxaphene *	1 (0.454)
Captan		10 (4.54)
Carbamic acid, ethyl ester	Ethyl carbamate (Urethan)	100 (45.4)
Carbamic acid, methylnitroso-, ethyl ester	N-Nitroso-N-methylurethane	1 (0.454)
Carbamic chloride, dimethyl-	Dimethylcarbamoyl chloride	1 (0.454)
Carbamide, thio-	Thiourea	10 (4.54)
Carbamimidoselenoic acid	Selenourea	1000 (454)
Carbamothioic acid, bis (1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester.	Diallate	100 (45.4)
Carbaryl *		100 (45.4)
Carbofuran *		10 (4.54)
Carbon bisulfide *	Carbon disulfide *	100 (45.4)
Carbon disulfide *	Carbon bisulfide *	100 (45.4)
Carbonic acid, dithallium (I+)	Thallium(I) carbonate	100 (45.4)
Carbonic dichloride	Phosgene *	10 (4.54)
Carbonic difluoride	Carbon oxyfluoride	1000 (454)
Carbonochloridic acid, methyl ester	Methyl chlorocarbonate *	1000 (454)
	Methyl chloroformate *	
Carbon oxyfluoride	Carbonic difluoride	1000 (454)
Carbon tetrachloride *	Methane, tetrachloro-	10 (4.54)
Chloral	Acetaldehyde, trichloro-	5000(2270)
Chlorambucil	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-	10 (4.54)
Chlordane *	Chlordane, technical *	1 (0.454)
	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-.	
	Chlordane, alpha & gamma isomers	
Chlordane, alpha & gamma isomers	Chlordane, technical	1 (0.454)
	Chlordane *	
	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-.	
Chlordane, technical *	Chlordane *	1 (0.454)
	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-.	
	Chlordane, alpha & gamma isomers	
Chlorine *		10 (4.54)
Chlornaphazine	Naphthylamine, N,N'-bis(2-chloroethyl)-	100 (45.4)
Chloroacetaldehyde	Acetaldehyde, chloro-	1000 (454)
p-Chloroaniline	Benzenamine, 4-chloro-	1000 (454)
Chlorobenzene *	Benzene, chloro-	100 (45.4)
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester.	10 (4.54)
4-Chloro-m-cresol	p-Chloro-m-cresol	5000 (2270)
	Phenol, 4-chloro-3-methyl-	
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	5000 (2270)
	4-Chloro-m-cresol	

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Chlorodibromomethane		100 (45.4)
Chloroethane	Ethyl chloride @	100 (45.4)
2-Chloroethyl vinyl ether	Ethene, 2-chloroethoxy-	1000 (454)
Chloroform *	Methane, trichloro-	10 (4.54)
Chloromethane	Methane, chloro-	100 (45.4)
	Methyl chloride *	
Chloromethyl methyl ether	Methane, chloromethoxy-	1 (0.454)
	Methylchloromethyl ether @	
beta-Chloronaphthalene	Naphthalene, 2-chloro-	5000 (2270)
	2-Chloronaphthalene	
2-Chloronaphthalene	beta-Chloronaphthalene	5000 (2270)
	Naphthalene, 2-chloro-	
2-Chlorophenol	o-Chlorophenol	100 (45.4)
	Phenol, 2-chloro-	
o-Chlorophenol	Phenol, 2-chloro-	100 (45.4)
	2-Chlorophenol	
4-Chlorophenyl phenyl ether		5000 (2270)
1-(o-Chlorophenyl)thiourea	Thiourea, (2-chlorophenyl)-	100 (45.4)
3-Chloropropionitrile	Propanenitrile, 3-chloro-	1000 (454)
Chlorosulfonic acid *		1000 (454)
4-Chloro-o-toluidine, hydrochloride	Benzenamine, 4-chloro-2-methyl-, hydrochloride	100 (45.4)
Chlorpyrifos *		1 (0.454)
Chromic acetate		1000 (454)
Chromic acid *		10 (4.54)
Chromic acid H2CrO4, calcium salt	Calcium chromate	10 (4.54)
Chromic sulfate		1000 (454)
Chromium ¢		5000 (2270)
Chromous chloride		1000 (454)
Chrysene	1,2-Benzphenanthrene	100 (45.4)
Cobaltous bromide		1000 (454)
Cobaltous formate		1000 (454)
Cobaltous sulfamate		1000 (454)
Coke Oven Emissions		1 (0.454)
Copper ¢		5000 (2270)
Copper chloride @	Cupric chloride	10 (4.54)
Copper cyanide *	Copper cyanide CuCN	10 (4.54)
Copper cyanide CuCN	Copper cyanide *	10 (4.54)
Coumaphos *		10 (4.54)
Creosote		1 (0.454)
Cresol(s) *	Cresylic acid	1000 (454)
	Phenol, methyl-	
m-Cresol	m-Cresylic acid	
o-Cresol	o-Cresylic acid	
p-Cresol	p-Cresylic acid	
Cresylic acid	Cresols *	1000 (454)
	Phenol, methyl-	
m-Cresol	m-Cresylic acid	
o-Cresol	o-Cresylic acid	
p-Cresol	p-Cresylic acid	
Crotonaldehyde *	2-Butenal	100 (45.4)
Cumene	Benzene, 1-methylethyl-	5000 (2270)
Cumene hydroperoxide @	alpha,alpha-Dimethylbenzylhydroperoxide	10 (4.54)
	Hydroperoxide, 1-methyl-1-phenylethyl-	
Cupric acetate		100 (45.4)
Cupric acetoarsenite *		1 (0.454)
Cupric chloride	Copper chloride @	10 (4.54)
Cupric nitrate *		100 (45.4)
Cupric oxalate		100 (45.4)
Cupric sulfate		10 (4.54)
Cupric sulfate ammoniated		100 (45.4)
Cupric tartrate		100 (45.4)
Cyanides (soluble salts and complexes) not otherwise specified *		10 (4.54)
Cyanogen *	Ethanedinitrile	100 (45.4)
Cyanogen bromide *	Cyanogen bromide (CN)Br	1000 (454)
Cyanogen bromide (CN)Br	Cyanogen bromide *	1000 (454)
Cyanogen chloride *	Cyanogen chloride (CN)Cl	10 (4.54)
Cyanogen chloride (CN)Cl	Cyanogen chloride *	10 (4.54)
2,5-Cyclohexadiene-1,4-dione	p-Benzoquinone	10 (4.54)
Cyclohexane *	Benzene, hexahydro-	1000 (454)
Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-	gamma-BHC	1 (0.454)
	Hexachlorocyclohexane (gamma isomer)	
	Lindane *	
Cyclohexanone		5000 (2270)
2-Cyclohexyl-4,6-dinitrophenol	Phenol, 2-cyclohexyl-4,6-dinitro-	100 (45.4)
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	Hexachlorocyclopentadiene *	10 (4.54)
Cyclophosphamide	2H-1,3,2-Oxazaphosphorin,2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide.	10 (4.54)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
2,4-D Acid	2,4-D *, salts and esters	100 (45.4)
	Acetic acid (2,4-dichlorophenoxy)-	
2,4-D Ester		100 (45.4)
2,4-D *, salts and esters	2,4-D Acid	100 (45.4)
	Acetic acid (2,4-dichloro-phenoxy)-	
Daunomycin	5,12-Naphthacenedione, 8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-(8S-cis)-.	10 (4.54)
DDD	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro	1 (0.454)
	TDE *	
	4,4'-DDD	
4,4'-DDD	DDD	1 (0.454)
	Dichlorodiphenyl dichloroethane	
	TDE *	
DDE	4,4'-DDE	1 (0.454)
4,4'-DDE	DDE	1 (0.454)
DDT *	Bezene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	1 (0.454)
	4,4'-DDT	
4,4'-DDT	DDT *	1 (0.454)
	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-	
Diallate	Carbamothioic acid, bis (1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester.	100 (45.4)
Diamine	Hydrazine *	1 (0.454)
Diazinon *		1 (0.454)
Dibenz[a,h]anthracene	Dibenzo[a,h]anthracene	1 (0.454)
	1,2:5,6-Dibenzanthracene	
1,2:5,6-Dibenzanthracene	Dibenz[a,h]anthracene	1 (0.454)
	Dibenzo[a,h]anthracene	
Dibenzo[a,h]anthracene	Dibenz[a,h]anthracene	1 (0.454)
	1,2:5,6-Dibenzanthracene	
Dibenz[a,i]pyrene	Bezo [rst]pentaphene	10 (4.54)
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	1 (0.454)
Dibutyl phthalate	Di-n-butyl phthalate	10 (4.54)
	n-Butyl phthalate *	
	1,2-Benzenedicarboxylic acid, dibutyl ester	
Di-n-butyl phthalate	Dibutyl phthalate	10 (4.54)
	n-Butyl phthalate *	
	1,2-Benzenedicarboxylic acid, dibutyl ester	
Dicamba		1000 (454)
Dichlobenil		100 (45.4)
Dichlone		1 (0.454)
Dichlorobenzene		100 (45.4)
1,2-Dichlorobenzene	Benzene, 1,2-dichloro-	100 (45.4)
	o-Dichlorobenzene *	
1,3-Dichlorobenzene	Benzene, 1,3-dichloro-	100 (45.4)
	m-Dichlorobenzene	
1,4-Dichlorobenzene	Benzene, 1,4-dichloro-	100 (45.4)
	p-Dichlorobenzene *	
m-Dichlorobenzene	Benzene, 1,3-dichloro-	100 (45.4)
	1,3-Dichlorobenzene	
o-Dichlorobenzene *	Benzene, 1,2-dichloro-	100 (45.4)
	1,2-Dichlorobenzene	
p-Dichlorobenzene *	Benzene, 1,4-dichloro-	100 (45.4)
	1,4-Dichlorobenzene	
3,3'-Dichlorobenzidine	(1,1'-Biphenyl)-4,4'-diamine,3,3'-dichloro-	1 (0.454)
Dichlorobromomethane		5000 (2270)
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	1 (0.454)
Dichlorodifluoromethane *	Methane, dichlorodifluoro-	5000 (2270)
1,1-Dichloroethane	Ethane, 1,1-dichloro-	1000 (454)
	Ethylidene dichloride	
1,2-Dichloroethane	Ethane, 1,2-dichloro-	100 (45.4)
	Ethylene dichloride *	
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	100 (45.4)
	Vinylidene chloride *	
1,2-Dichloroethylene	Ethene, 1,2-dichloro- (E)	1000 (454)
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	100 (45.4)
Dichloroethyl ether	Bis (2-chloroethyl) ether	10 (4.54)
	Ethane, 1,1'-oxybis(2-chloro-	
Dichlorcisopropyl—ether	Propane, 2,2'-oxybis [2-chloro-	1000 (454)
Dichloromethane @	Methane, dichloro-	1000 (454)
	Methylene chloride *	
Dichloromethoxy ethane	Bis(2-chloroethoxy) methane	1000 (454)
	Ethane, 1,1'-[methylenebis (oxy)]bis(2-chloro-	
Dichloromethyl ether	Methane, oxybis(chloro-	1 (0.454)
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	100 (45.4)
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	100 (45.4)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Dichlorophenylarsine	Phenyl dichloroarsine @	1 (0.454)
	Arsonous dichloride, phenyl-	
Dichloropropane *		1000 (454)
1,1-Dichloropropane		
1,3-Dichloropropane		
1,2-Dichloropropane	Propylene dichloride *	1000 (454)
	Propane, 1,2-dichloro-	
Dichloropropane - Dichloropropene (mixture)		100 (45.4)
Dichloropropene *		100 (45.4)
2,3-Dichloropropene		
2,2-Dichloropropionic acid *		5000 (2270)
Dichlorvos *		10 (4.54)
Dicofol		10 (4.54)
Dieldrin *	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1alpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-	1 (0.454)
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	10 (4.54)
Diethylamine *		1000 (454)
Diethylarsine	Arsine, diethyl-	1 (0.454)
1,4-Diethylenedioxide	1,4-Dioxane	100 (45.4)
Diethylhexyl phthalate	1,2-Benzenedicarbolic acid, [bis(2-ethylhexyl)]ester	
	Bis(2-ethylhexyl)phthalate	
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	10 (4.54)
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O'O>-diethylS-methyl ester	5000 (2270)
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	100 (45.4)
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester	1000(454)
O,O-Diethyl O-pyrazinyl phosphorothioate	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	100 (45.4)
Diethylstilbestrol	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)	1 (0.454)
Dihydrosafrole	Benzene, 1,2-methylenedioxy-4-propyl-	10 (4.54)
Diisopropyl fluorophosphate	Phosphorofluoridic acid, bis(1-methylethyl) ester	100 (45.4)
1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro, (1alpha,4alpha,4abeta,5abeta,8beta,8abeta)-	Isodrin	1 (0.454)
1,4,5,8-Dimethanonaphthalene,1,2,3,4,10,10-10-hexachloro-1,4,4a,5,8,8a-hexahydro-,(1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-	Aldrin *	1 (0.454)
	1,2,3,4,10-10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonapthalene.	
2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-	Endrin *	1 (0.454)
	Endrin, and metabolites	
2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-,(1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-	Dieldrin *	1 (0.454)
Dimethoate	Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester.	10 (4.54)
3,3'-Dimethoxybenzidine	(1,1'-Biphenyl)-4,4'-diamine,3,3'-dimethoxy-	10 (4.54)
Dimethylamine *	Methanamine, N-methyl-	1000 (454)
p-Dimethylaminoazobenzene	Benzenamine, N,N-dimethyl-4-(phenylazo)-	10 (4.54)
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	1 (0.454)
3,3'-Dimethylbenzidine	(1,1'-Biphenyl)-4,4'-diamine,3,3'-dimethyl-	10 (4.54)
alpha,alpha-Dimethylbenzylhydroperoxide	Hydroperoxide, 1-methyl-1-phenylethyl-	10 (4.54)
	Cumene hydroperoxide @	
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	1 (0.454)
1,1-Dimethylhydrazine	Dimethylhydrazine, unsymmetrical @	10 (4.54)
	Hydrazine, 1,1-dimethyl-	
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-	1 (0.454)
Dimethylhydrazine, unsymmetrical @	1,1-Dimethylhydrazine	10 (4.54)
	Hydrazine, 1,1-dimethyl-	
alpha,alpha-Dimethylphenethylamine	Benezeneethanamine, alpha,alpha-dimethyl-	5000 (2270)
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	100 (45.4)
Dimethyl phthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	5000 (2270)
Dimethyl sulfate *	Sulfuric acid, dimethyl ester	100 (45.4)
Dinitrobenzene * (mixed)		100 (45.4)
m-Dinitrobenzene		
o-Dinitrobenzene		
p-Dinitrobenzene		
4,6-Dinitro-o-cresol and salts	Phenol, 2-methyl-4,6-dinitro-	10 (4.54)
Dinitrophenol		10 (4.54)
2,5-Dinitrophenol		
2,6-Dinitrophenol		
2,4-Dinitrophenol	Phenol, 2,4-dinitro-	10 (4.54)
Dinitrotoluene		10 (4.54)
3,4-Dinitrotoluene		
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	10 (4.54)
2,6-Dinitrotoluene	Benzene, 2-methyl-1,3-dinitro-	100 (45.4)
Dinoseb	Phenol, 2-(1-methylpropyl)-4,6-dinitro	1000 (454)
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	5000 (2270)
1,4-Dioxane	1,4-Diethylene dioxide	100 (45.4)
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl-	10 (4.54)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Diphosphoramide, octamethyl-	Octamethylpyrophosphoramide	100 (45.4)
Diphosphoric acid, tetraethyl ester	Tetraethyl pyrophosphate *	10 (4.54)
Dipropylamine	1-Propanamine, N-propyl-	5000 (2270)
Di-n-propylnitrosamine	1-Propanamine, N-nitroso-N-propyl-	10 (4.54)
Diquat		1000 (454)
Disulfoton *	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl]ester	1 (0.454)
Dithiobiuret	Thioimidodicarbonic diamide[(H2N)C(S)]2NH	100 (45.4)
Diuron		100 (45.4)
Dodecylbenzenesulfonic acid *		1000 (454)
Endosulfan *	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide.	1 (0.454)
alpha - Endosulfan		1 (0.454)
beta - Endosulfan		1 (0.454)
Endosulfan sulfate		1 (0.454)
Endothall	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	1000 (454)
Endrin *	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1,a,2,2a,3,6,6a,7,7a-octa-hydro-,(1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)—.	1 (0.454)
	Endrin, & metabolites	
Endrin, & metabolites	Endrin	1 (0.454)
	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octa-hydro-,(1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-.	
Endrin aldehyde		1 (0.454)
Epichlorohydrin *	Oxirane, (chloromethyl)-	100 (45.4)
Epinephrine	1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl]	1000 (454)
Ethanal	Acetaldehyde *	1000 (454)
Ethanamine, N-ethyl-N-nitroso-	N-Nitrosodiethylamine	1 (0.454)
Ethane, 1,2-dibromo-	Ethylene dibromide *	1 (0.454)
Ethane, 1,1-dichloro-	Ethylidene dichloride	1000 (454)
	1,1-Dichloroethane	
Ethane, 1,2-dichloro-	Ethylene dichloride *	100 (45.4)
	1,2-Dichloroethane	
Ethane, hexachloro-	Hexachloroethane *	100 (45.4)
Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro-	Bis(2-chloroethoxy)methane	1000 (454)
	Dichloromethoxy ethane	
Ethane, 1,1'-oxybis-	Ethyl ether *	100 (45.4)
Ethane, 1,1'-oxybis(2-chloro-	Bis (2-chloroethyl) ether	10 (4.54)
	Dichloroethyl ether	
Ethane, pentachloro-	Pentachloroethane	10 (4.54)
Ethane, 1,1,1,2-tetrachloro-	1,1,1,2-Tetrachloroethane—	100 (45.4)
	Tetrachloroethane @	
Ethane, 1,1,2,2-tetrachloro-	1,1,2,2-Tetrachloroethane—	100 (45.4)
	Tetrachloroethane @	
Ethane, 1,1,2-trichloro-	1,1,2-Trichloroethane	100 (45.4)
Ethane, 1,1,1-trichloro-	Methyl chloroform	1000 (454)
	1,1,1-Trichloroethane *	
1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienyl-methyl)-	Methapyrilene	5000 (2270)
Ethanedinitrile	Cyanogen *	100 (45.4)
Ethanenitrile	Acetonitrile *	5000 (2270)
Ethanethioamide	Thioacetamide	10 (4.54)
Ethanimidothioic acid, N-[[(methylamino)carbonyl] oxy]-, methyl ester	Methomyl	100 (45.4)
Ethanol, 2-ethoxy-	Ethylene glycol monoethyl ether *	1000 (454)
Ethanol, 2,2'-(nitrosoimino)bis-	N-Nitrosodiethanolamine	1 (0.454)
Ethanone, 1-phenyl-	Acetophenone	5000 (2270)
Ethanoyl chloride	Acetyl chloride *	5000 (2270)
Ethene, chloro-	Vinyl chloride *	1 (0.454)
Ethene, 2-chloroethoxy-	2-Chloroethyl vinyl ether	1000 (454)
Ethene, 1,1-dichloro-	Vinylidene chloride *	100 (45.4)
	1,1-Dichloroethylene	
Ethene, 1,2-dichloro- (E)	1,2-Dichloroethylene	1000 (454)
Ethene, tetrachloro-	Perchloroethylene	100 (45.4)
	Tetrachloroethene	
	Tetrachloroethylene	
Ethene, trichloro-	Trichloroethene	100 (45.4)
	Trichloroethylene	
Ethion *		10 (4.54)
Ethyl acetate *	Acetic acid, ethyl ester	5000 (2270)
Ethyl acrylate *	2-Propenoic acid, ethyl ester	1000 (454)
Ethylbenzene *		1000 (454)
Ethyl carbamate (Urethan)	Carbamic acid, ethyl ester	100 (45.4)
Ethyl chloride @	Chloroethane	100 (45.4)
Ethyl cyanide	Propanenitrile	10 (4.54)
Ethylene dibromide *	Ethane, 1,2-dibromo-	1 (0.454)
Ethylene dichloride *	1,2-Dichloroethane	100 (45.4)
	Ethane, 1,2-dichloro-	
Ethylene glycol monoethyl ether *	Ethanol, 2-ethoxy	1000 (454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Ethylene imine @	Aziridine	1 (0.454)
	Ethylenimine	
Ethylene oxide *	Oxirane	10 (4.54)
Ethylenebisdithiocarbamic acid	Ethylenebisdithiocarbamic acid, salts and esters	5000 (2270)
Ethylenebisdithiocarbamic acid, salts and esters	Ethylenebisdithiocarbamic acid	5000 (2270)
Ethylenediamine *		5000 (2270)
Ethylenediamine tetraacetic acid (EDTA)		5000 (2270)
Ethylenethiourea	2-Imidazolidinethione	10 (4.54)
Ethylenimine	Aziridine—	1 (0.454)
	Ethylene imine@	
Ethyl ether *	Ethane, 1,1'-oxybis-	100 (45.4)
Ethylidene dichloride	Ethane, 1,1-dichloro-	*000 (454)
	1,1-Dichloroethane	
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	1000 (454)
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	1 (0.454)
Ethyl methyl ketone @	2-Butanone	5000 (2270)
	Methyl ethyl ketone (MEK) *	
Famphur	Phosphorothioic acid, O,[4-[(dimethylamino)-sulfonyl] phenyl] O,O-dimethylester.	1000 (454)
Ferric ammonium citrate		1000 (454)
Ferric ammonium oxalate		1000 (454)
Ferric chloride		1000 (454)
Ferric fluoride		100 (45.4)
Ferric nitrate *		1000 (454)
Ferric sulfate		1000 (454)
Ferrous ammonium sulfate		1000 (454)
Ferrous chloride *		100 (45.4)
Ferrous sulfate		1000 (454)
Fluoranthene	Benzo[j,k]fluorene	100 (45.4)
Fluorene		5000 (2270)
Fluorine *		10 (4.54)
Fluoroacetamide	Acetamide, 2-fluoro-	100 (45.4)
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	10 (4.54)
Formaldehyde *	Methylene oxide	100 (45.4)
Formic acid *	Methanoic acid	5000 (2270)
Fulminic acid, mercury(2+)salt	Mercury fulminate	10 (4.54)
Fumaric acid		5000 (2270)
Furan *	Furfuran	100 (45.4)
Furan, tetrahydro-	Tetrahydrofuran *	1000 (454)
2-Furancarboxaldehyde	Furfural *	5000 (2270)
2,5-Furandione	Maleic anhydride *	5000 (2270)
Furfural *	2-Furancarboxaldehyde	5000 (2270)
Furfuran	Furan *	100 (45.4)
Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	Streptozotocin	1 (0.454)
	D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]-	
D-Glucose, 2-deoxy-2-[[methylnitrosoamino)-carbonyl]amino]-	Streptozotocin	1 (0.454)
	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-	
Glycidylaldehyde	Oxiranecarboxyaldehyde	10 (4.54)
Guanidine, N-methyl-N'-nitro-N-nitroso-	MNNG	10 (4.54)
Guthion *	Azinphos methyl @	1 (0.454)
Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	1 (0.454)
Heptachlor epoxide		1 (0.454)
Hexachlorobenzene	Benzene, hexachloro-	10 (4.54)
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	1 (0.454)
Hexachlorocyclohexane (gamma isomer)	gamma - BHC	1 (0.454)
	Lindane *——	
	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-.	
Hexachlorocyclopentadiene *	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	10 (4.54)
Hexachloroethane *	Ethane, hexachloro-	100 (45.4)
1,2,3,4,10-10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene.	Aldrin *	1 (0.454)
	1,4,5,8-Dimethanonaphthalene,1,2,3,4,10,10-10hexachloro-1,4,4a,5,8,8a-hexahydro-,(1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-.	
Hexachlorophene	Phenol, 2,2'-methylenebis[3,4,6-trichloro	100 (45.4)
Hexachloropropene	1-Propene, 1,1,2,3,3,3-hexachloro-	1000 (454)
Hexaethyl tetraphosphate *	Tetraphosphoric acid, hexaethyl ester	100 (45.4)
2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	Uracil mustard	10 (4.54)
Hydrazine *	Diamine	1 (0.454)
Hydrazine, 1,2-diethyl-	N,N'-Diethylhydrazine	10 (4.54)
Hydrazine, 1,1-dimethyl-	1,1-Dimethylhydrazine	10 (4.54)
	Dimethylhydrazine, unsymmetrical @	
Hydrazine, 1,2-dimethyl-	1,2-Dimethylhydrazine	1 (0.454)
Hydrazine, 1,2-diphenyl-	1,2-Diphenylhydrazine	10 (4.54)
Hydrazine, methyl-	Methyl hydrazine *	10 (4.54)
Hydrazinecarbothioamide	Thiosemicarbazide	100 (45.4)
Hydrochloric acid *	Hydrogen chloride *	500 (2270)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Hydrocyanic acid *	Hydrogen cyanide	10 (4.54)
Hydrofluoric acid *	Hydrogen fluoride *	100 (45.4)
Hydrogen chloride *	Hydrochloric acid *	5000 (2270)
Hydrogen cyanide	Hydrocyanic acid *	10 (4.54)
Hydrogen fluoride *	Hydrofluoric acid *	100 (45.4)
Hydrogen phosphide	Phosphine *	100 (45.4)
Hydrogen sulfide *	Hydrogen sulfide H2S	100 (45.4)
Hydrogen sulfide H2S	Hydrogen sulfide	100 (45.4)
Hydroperoxide, 1-methyl-1-phenylethyl-	alpha,alpha-Dimethylbenzylhydroperoxide	10 (4.54)
	Cumene hydroperoxide @	
2-Imidazolidinethione	Ethylenethiourea	10 (4.54)
Indeno(1,2,3-cd)pyrene	1,10-(1,2-Phenylene)pyrene	100 (45.4)
1,3-Isobenzofurandione	Phthalic anhydride	5000 (2270)
Isobutyl alcohol	1-Propanol, 2-methyl-	5000 (2270)
Isodrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-	1 (0.454)
Isophorone		5000 (2270)
Isoprene *		100 (45.4)
Isopropanolamine dodecylbenzene sulfonate		1000 (454)
Isosafrole	1,3-Benzodioxole, 5-(-1propenyl)-	100 (45.4)
3(2H)-Isoxazolone, 5-(aminomethyl)-	5-(Aminomethyl)-3-isoxazolol	1000 (454)
	Muscimol	
Kepone	1,3,4-Metheno-2H-cyclobutal[cd]-pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloroc-tahydro-.	1 (0.454)
Lasiocarpine	2-Butenoic acid, 2-methyl-,7[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*, 3R*),7aalpha]]-.	10 (4.54)
Lead ¢		1 (0.454)
Lead acetate	Acetic acid, lead (2+) salt	5000 (2270)
Lead arsenate *		1 (0.454)
Lead, bis(acetato-O)tetrahydroxytri	Lead subacetate	100 (45.4)
Lead chloride *		100 (45.4)
Lead fluoborate *		100 (45.4)
Lead fluoride *		100 (45.4)
Lead iodide		100 (45.4)
Lead nitrate *		100 (45.4)
Lead phosphate	Phosphoric acid, lead(2+) salt (2:3)	1 (0.454)
Lead stearate		5000 (2270)
Lead subacetate	Lead, bis(acetato-O)tetrahydroxytri	100 (45.4)
Lead sulfate *		100 (45.4)
Lead sulfide		5000 (2270)
Lead thiocyanate		100 (45.4)
Lindane *	gamma - BHC	1 (0.454)
	Hexachlorocyclohexane (gamma isomer)	
	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-.	
Lithium chromate		10 (4.54)
Malathion *		100 (45.4)
Maleic acid *		5000 (2270)
Maleic anhydride *	2,5-Furandione	5000 (2270)
Maleic hydrazide	3,6-Pyridazinedione, 1,2-dihydro-	5000 (2270)
Malononitrile	Propanedinitrile	1000 (454)
Melphalan	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	1 (0.454)
Mercaptodimethur		10 (4.54)
Mercuric cyanide *		1 (0.454)
Mercuric nitrate *		10 (4.54)
Mercuric sulfate *		10 (4.54)
Mercuric thiocyanate		10 (4.54)
Mercurous nitrate *		10 (4.54)
Mercury *		1 (0.454)
Mercury, (acetato-O)phenyl-	Phenylmercuric acetate	100 (45.4)
Mercury fulminate	Fulminic acid, mercury(2+)salt	10 (4.54)
Methacrylonitrile	2-Propenenitrile, 2-methyl-	1000 (454)
Methanamine, N-methyl-	Dimethylamine *	1000 (454)
Methanamine, N-methyl-N-nitroso	N-Nitrosodimethylamine	10 (4.54)
Methane, bromo-	Methyl bromide *	1000 (454)
Methane, chloro-	Chloromethane	100 (45.4)
	Methyl chloride *	
Methane, chloromethoxy-	Chloromethyl methyl ether	1 (0.454)
	Methylchloromethyl ether @	
Methane, dibromo-	Methylene bromide	1000 (454)
Methane, dichloro-	Methylene chloride *	1000 (454)
	Dichloromethane @	
Methane, dichlorodifluoro-	Dichlorodifluoromethane *	5000 (2270)
Methane, iodo-	Methyl iodide	100 (45.4)
Methane, isocyanato-	Methyl isocyanate *	1 (0.454)
Methane, oxybis(chloro-	Dichloromethyl ether	1 (0.454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Methane, tetrachloro-	Carbon tetrachloride *	10 (4.54)
Methane, tetranitro-	Tetranitromethane *	10 (4.54)
Methane, tribromo-	Bromoform	100 (45.4)
Methane, trichloro-	Chloroform *	10 (4.54)
Methane, trichlorofluoro-	Trichloromonofluoromethane	5000 (2270)
Methanesulfenyl chloride, trichloro-	Perchloromethyl mercaptan @	100 (45.4)
	Trichloromethanesulfenyl chloride	
Methanesulfonic acid, ethyl ester	Ethyl methanesulfonate	1 (0.454)
Methanethiol	Methyl mercaptan *	100 (45.4)
	Thiomethanol	
6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide.	Endosulfan *	1 (0.454)
Methanoic acid	Formic acid *	5000 (2270)
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-a,4,7,7a-tetrahydro-	Heptachlor	1 (0.454)
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-.	Chlordane *	1 (0.454)
	Chlordane, technical *	
	Chlordane, alpha & gamma isomers	
Methanol *	Methyl alcohol *	5000 (2270)
Methapyrilene	1,2-Ethanediamine, N-N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	5000 (2270)
1,3,4-Metheno-2H-cyclobuta[cd]-pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachloroctahydro-.	Kepone *	1 (0.454)
Methomyl	Ethanimidothioic acid, N-[[(methylamino)carbonyl] oxy]-, methyl ester	100 (45.4)
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-	1 (0.454)
Methyl alcohol *	Methanol *	5000 (2270)
Methylamine @	Monomethylamine	100 (45.4)
Methyl bromide *	Methane, bromo-	1000 (454)
1-Methylbutadiene	1,3-Pentadiene	100 (45.4)
Methyl chloride *	Chloromethane	100 (45.4)
	Methane, chloro-	
Methyl chlorocarbonate *	Carbonochloridic acid, methyl ester	1000 (454)
	Methyl chloroformate *	
Methyl chloroform *	1,1,1-Trichloroethane *	1000 (454)
	Ethane, 1,1,1-trichloro-	
Methyl chloroformate *	Carbonochloridic acid, methyl ester	1000 (454)
	Methyl chlorocarbonate *	
Methylchloromethyl ether @	Chloromethyl methyl ether	1 (0.454)
	Methane, chloromethoxy-	
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	10 (4.54)
4,4'-Methylenebis(2-chloroaniline)	Benzenamine, 4,4'-methylenebis(2-chloro-	10 (4.54)
Methylene bromide	Methane, dibromo-	1000 (454)
Methylene chloride *	Methane, dichloro—	1000 (454)
	Dichloromethane @	
Methylene oxide	Formaldehyde *	100 (45.4)
Methyl ethyl ketone (MEK) *	2-Butanone	5000 (2270)
	Ethyl methyl ketone @	
Methyl ethyl ketone peroxide *	2-Butanone peroxide	10 (4.54)
Methyl hydrazine *	Hydrazine, methyl-	10 (4.54)
Methyl iodide	Methane, iodo-	100 (45.4)
Methyl isobutyl ketone	4-Methyl-2-pentanone	5000 (2270)
Methyl isocyanate *	Methane, isocynato-	1 (0.454)
2-Methyllactonitrile	Acetone cyanohydrin *	10 (4.54)
	Propanenitrile, 2-hydroxy-2-methyl-	
Methyl mercaptan *	Methanethiol	100 (45.4)
	Thiomethanol	
Methyl methacrylate *	2-Propenoic acid, 2-methyl-, methyl ester	1000 (454)
Methyl parathion *	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	100 (45.4)
4-Methyl-2-pentanone	Methyl isobutyl ketone	5000 (2270)
Methylthiouracil	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	10 (4.54)
Mevinphos *		10 (4.54)
Mexacarbate *		1000 (454)
Mitomycin C	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione,6-amino-8-[[(aminocarbonyl)oxy] methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]-.	10 (4.54)
MNNG	Guanidine, N-methyl-N'-nitro-N-nitroso-	10 (4.54)
Monoethylamine *		100 (45.4)
Monomethylamine	Methylamine @	100 (45.4)
Muscimol	5-(Aminomethyl)-3-isoxazolol	1000 (454)
	3(2H)-isoxazolone, 5-(aminomethyl)-	
Naled		10 (4.54)
5,12-Naphthacenedione, 8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-	Daunomycin	10 (4.54)
Naphthalenamine, N,N-bis(2-chloroethyl)-	Chlornaphazine	100 (45.4)
Naphthalene *		100 (45.4)
Naphthalene, 2-chloro-	beta-Chloronaphthalene	5000 (2270)
	2-Chloronaphthalene	
1,4-Naphthalenedione	1,4-Naphthoquinone	5000 (2270)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'- dimethyl-(l,1'-biphenyl)-4,4'-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt.	Trypan blue	10 (4.54)
Naphthenic acid		100 (45.4)
1,4-Naphthoquinone	1,4-Naphthalenedione	5000 (2270)
alpha-Naphthylamine	1-Naphthylamine	100 (45.4)
beta-Naphthylamine	2-Naphthylamine	1 (0.454)
1-Naphthylamine	alpha-Naphthylamine	100 (45.4)
2-Naphthylamine	beta-Naphthylamine	1 (0.454)
alpha-Naphthylthiourea	Thiourea, 1-naphthalenyl-	100 (45.4)
Nickel ¢		100 (45.4)
Nickel ammonium sulfate		100 (45.4)
Nickel carbonyl *	Nickel carbonyl Ni(CO)4, (T-4)-	10 (4.54)
Nickel carbonyl Ni(CO)4,(T-4)-	Nickel carbonyl *	10 (4.54)
Nickel chloride		100 (45.4)
Nickel cyanide *	Nickel cyanide Ni(CN)2	10 (4.54)
Nickel cyanide Ni(CN)2	Nickel cyanide *	10 (4.54)
Nickel hydroxide		10 (4.54)
Nickel nitrate *		100 (45.4)
Nickel sulfate		100 (45.4)
Nicotine * and salts *	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	100 (45.4)
Nitric acid *		1000 (454)
Nitric acid, thallium(1+) salt	Thallium(I) nitrate	100 (45.4)
Nitric oxide *	Nitrogen oxide NO	10 (4.54)
p-Nitroaniline *	Benzenamine, 4-nitro-	5000 (2270)
Nitrobenzene *	Benzene, nitro-	1000 (454)
Nitrogen dioxide *	Nitrogen oxide NO2	10 (4.54)
	Nitrogen peroxide @	
	Nitrogen tetroxide @	
Nitrogen oxide NO	Nitric oxide *	10 (4.54)
Nitrogen oxide NO2	Nitrogen dioxide *	10 (4.54)
	Nitrogen peroxide @	
	Nitrogen tetroxide @	
Nitrogen peroxide @	Nitrogen dioxide *	10 (4.54)
	Nitrogen oxide NO2	
	Nitrogen tetroxide @	
Nitrogen tetroxide @	Nitrogen dioxide *	10 (4.54)
	Nitrogen oxide NO2	
	Nitrogen peroxide	
Nitroglycerine *	1,2,3-Propanetriol, trinitrate-	10 (4.54)
Nitrophenol (mixed)		100 (45.4)
m-		
o-	2-Nitrophenol	
p-	4-Nitrophenol	
	Phenol, 4-nitro-	
o-Nitrophenol	2-Nitrophenol	100 (45.4)
p-Nitrophenol	Phenol, 4-nitro-	100 (45.4)
	4-Nitrophenol	
2-Nitrophenol	o-Nitrophenol	100 (45.4)
4-Nitrophenol	p-Nitrophenol	100 (45.4)
	Phenol, 4-nitro-	
2-Nitropropane	Propane, 2-nitro-	10 (4.54)
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-nitroso-	10 (4.54)
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1 (0.454)
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	1 (0.454)
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	10 (4.54)
N-Nitrosodiphenylamine		100 (45.4)
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	1 (0.454)
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	1 (0.454)
N-Nitroso-N-methylurethane	Carbamic acid, methylnitroso-, ethyl ester	1 (0.454)
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	10 (4.54)
N-Nitrosopiperidine	Piperidine, 1-nitroso-	10 (4.54)
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	1 (0.454)
Nitrotoluene		1000 (454)
m-Nitrotoluene		
o-Nitrotoluene		
p-Nitrotoluene		
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	100 (45.4)
Octamethylpyrophosphoramide	Diphosphoramide, octamethyl-	100 (45.4)
Osmium oxide OsO4 (T-4)-	Osmium tetroxide	1000 (454)
Osmium tetroxide	Osmium oxide OsO4 (T-4)-	1000 (454)
7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	Endothall	1000 (454)
1,2-Oxathiolane, 2,2-dioxide	1,3-Propane sultone	10 (4.54)
2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide.	Cyclophosphamide	10 (4.54)
Oxirane	Ethylene oxide *	10 (4.54)
Oxiranecarboxyaldehyde	Glycidylaldehyde	10 (4.54)
Oxirane, (chloromethyl)-	Epichlorohydrin *	100 (45.4)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Paraformaldehyde *		1000 (454)
Paraldehyde *	1,3,5-Trioxane, 2,4,6-trimethyl-	1000 (454)
Parathion *	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)ester	10 (4.54)
Pentachlorobenzene	Benzene, pentachloro-	10 (4.54)
Pentachloroethane	Ethane, pentachloro-	10 (4.54)
Pentachloronitrobenzene (PCNB)	Benzene, pentachloronitro-	100 (45.4)
Pentachlorophenol	Phenol, pentachloro-	10 (4.54)
1,3-Pentadiene	1-Methylbutadiene	100 (45.4)
Perchloroethylene *	Ethene, tetrachloro	100 (45.4)
	Tetrachloroethene	
	Tetrachloroethylene *	
Perchloromethyl mercaptan @	Methanesulfenyl chloride, trichloro-	100 (45.4)
	Trichloromethanesulfenyl chloride	
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	100 (45.4)
Phenanthrene		5000 (2270)
Phenol *	Benzene, hydroxy-	1000 (454)
Phenol, 2-chloro-	o-Chlorophenol	100 (45.4)
	2-Chlorophenol	
Phenol, 4-chloro-3-methyl-	p-Chloro-m-cresol	5000 (2270)
	4-Chloro-m-cresol	
Phenol, 2-cyclohexyl-4,6-dinitro-	2-Cyclohexyl-4,6-dinitrophenol	100 (45.4)
Phenol, 2,4-dichloro-	2,4-Dichlorophenol	100 (45.4)
Phenol, 2,6-dichloro-	2,6-Dichlorophenol	100 (45.4)
Phenol, 4,4'-(1;2-diethyl-1,2-ethenediyl)bis-, (E)	Diethylstilbestrol	1 (0.454)
Phenol, 2,4-dimethyl-	2,4-Dimethylphenol	100 (45.4)
Phenol, 2,4-dinitro-	2,4-Dinitrophenol	10 (4.54)
Phenol, methyl-	Cresol(s) *	1000 (454)
	Cresylic acid	
m-Cresol	m-Cresylic acid	
o-Cresol	o-Cresylic acid	
p-Cresol	p-Cresylic acid	
Phenol, 2-methyl-4,6-dinitro-	4,6-Dinitro-o-cresol and salts	10 (4.54)
Phenol, 2,2'-methylenebis[3,4,6-trichloro-	Hexachlorophene	100 (45.4)
Phenol, 2-(1-methylpropyl)-4,6-dinitro	Dinoseb	1000 (454)
Phenol, 4-nitro-	p-Nitrophenol	100 (45.4)
	4-Nitrophenol	
Phenol, pentachloro-	Pentachlorophenol	10 (4.54)
Phenol, 2,3,4,6-tetrachloro-	2,3,4,6-Tetrachlorophenol	10 (4.54)
Phenol, 2,4,5-trichloro-	2,4,5-Trichlorophenol	10 (4.54)
Phenol, 2,4,6-trichloro-	2,4,6-Trichlorophenol	10 (4.54)
Phenol, 2,4,6-trinitro-, ammonium salt	Ammonium picrate *	10 (4.54)
L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	Melphalan	1 (0.454)
Phenyl dichloroarsine @	Dichlorophenylarsine—	1 (0.454)
	Arsonous dichloride, phenyl-	
1,10-(1,2-Phenylene)pyrene	Indeno(1,2,3-cd)pyrene	100 (45.4)
Phenyl mercaptan @	Benzenethiol	100 (45.4)
	Thiophenol *	
Phenylmercuric acetate	Mercury, (acetato-O)phenyl-	100 (45.4)
Phenylthiourea	Thiourea, phenyl-	100 (45.4)
Phorate	Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methylester	10 (4.54)
Phosgene *	Carbonic dichloride	10 (4.54)
Phosphine *	Hydrogen phosphide	100 (45.4)
Phosphoric acid *		5000 (2270)
Phosphoric acid, diethyl 4-nitrophenyl ester	Diethyl-p-nitrophenyl phosphate	100 (45.4)
Phosphoric acid, lead(2+) salt (2:3)	Lead phosphate	1 (0.454)
Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl]ester	Disulfoton *	1 (0.454)
Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methyl ester	Phorate	10 (4.54)
Phosphorodithioic acid, O,O-diethyl S-methyl ester	O,O-Diethyl S-methyl dithiophosphate	5000 (2270)
Phosphorodithioic acid, O,O-dimethyl S-[2 (methylamino)-2-oxoethyl] ester.	Dimethoate	10 (4.54)
Phosphorofluoridic acid, bis(1-methylethyl) ester	Diisopropyl fluorophosphate	100 (45.4)
Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	Parathion *	10 (4.54)
Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	O,O-Diethyl O-pyrazinyl phosphorothioate	100 (45.4)
Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	Methyl parathion *	100 (45.4)
Phosphorothioic acid, O,[4-[(dimethylamino)sulfonyl] phenyl] O,O-dimethyl ester.	Famphur	1000 (454)
Phosphorus *		1 (0.454)
Phosphorus oxychloride *		1000 (454)
Phosphorus pentasulfide *	Phosphorus sulfide	100 (45.4)
	Sulfur phosphide	
Phosphorus sulfide	Phosphorus pentasulfide *	100 (45.4)
	Sulfur phosphide	
Phosphorus trichloride *		1000 (454)
Phthalic anhydride	1,3-Isobenzofurandione	5000 (2270)
2-Picoline	Pyridine, 2-methyl-	5000 (2270)
Piperidine, 1-nitroso-	N-Nitrosopiperidine	10 (4.54)
Plumbane, tetraethyl-	Tetraethyl lead *	10 (4.54)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
POLYCHLORINATED BIPHENYLS (PCBs)	Aroclor 1016	1 (0.454)
	Aroclor 1221	
	Aroclor 1232	
	Aroclor 1242	
	Aroclor 1248	
	Aroclor 1254	
	Aroclor 1260	
Potassium arsenate *		1 (0.454)
Potassium arsenite *		1 (0.454)
Potassium bichromate	Potassium dichromate @	10 (4.54)
Potassium chromate		10 (4.54)
Potassium cyanide *	Potassium cyanide K(CN)	10 (4.54)
Potassium cyanide K(CN)	Potassium cyanide	10 (4.54)
Potassium dichromate @	Potassium bichromate	10 (4.54)
Potassium hydroxide *		1000 (454)
Potassium permanganate *		100 (45.4)
Potassium silver cyanide	Argentate(1-), bis(cyano-C)-, potassium	1 (0.454)
Pronamide	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-	5000 (2270)
Propanal, 2-methyl-2-(methylthio)-,O-[(methylamino)carbonyl]oxime	Aldicarb	1 (0.454)
1-Propanamine	n-Propylamine *	5000 (2270)
1-Propanamine, N-nitroso-N-propyl-	Di-n-propylnitrosamine	10 (4.54)
1-Propanamine, N-propyl-	Dipropylamine	5000 (2270)
Propane, 1,2-dibromo-3-chloro-	1,2-Dibromo-3-chloropropane	1 (0.454)
Propane, 1,2-dichloro-	1,2-Dichloropropane	1000 (454)
	Propylene dichloride *	
Propane, 2-nitro-	2-Nitropropane	10 (4.54)
Propane, 2,2'-oxybis [2-chloro-	Dichloroisopropyl ether	1000 (454)
1,3-Propane sultone	1,2-Oxathiolane, 2,2-dioxide	10 (4.54)
Propanedinitrile	Malononitrile	1000 (454)
Propanenitrile	Ethyl cyanide	10 (4.54)
Propanenitrile, 3-chloro-	3-Chloropropionitrile	1000 (454)
Propanenitrile, 2-hydroxy-2-methyl-	Acetone cyanohydrin *	10 (4.54)
	2-Methyllactonitrile	
1,2,3-Propanetriol, trinitrate-	Nitroglycerine *	10 (4.54)
1-Propanol, 2,3-dibromo-, phosphate (3:1)	Tris(2,3-dibromopropyl)phosphate	10 (4.54)
1-Propanol, 2-methyl-	Isobutyl alcohol	5000 (2270)
2-Propanone	Acetone *	5000 (2270)
2-Propanone, 1-bromo-	Bromoacetone *	1000 (454)
Propargite		10 (4.54)
Propargyl alcohol *	2-Propyn-1-ol	1000 (454)
2-Propenal	Acrolein *	1 (0.454)
2-Propenamide	Acrylamide	5000 (2270)
1-Propene, 1,3-dichloro-	1,3-Dichloropropene	100 (45.4)
1-Propene, 1,1,2,3,3,3-hexachloro-	Hexachloropropene	1000 (454)
2-Propenenitrile	Acrylonitrile *	100 (45.4)
2-Propenenitrile, 2-methyl-	Methacrylonitrile	1000 (454)
2-Propenoic acid	Acrylic acid *	5000 (2270)
2-Propenoic acid, ethyl ester	Ethyl acrylate *	1000 (454)
2-Propenoic acid, 2-methyl-, ethyl ester	Ethyl methacrylate	1000 (454)
2-Propenoic acid, 2-methyl-, methyl ester	Methyl methacrylate *	1000 (454)
2-Propen-1-ol	Allyl alcohol *	100 (45.4)
Propionic acid *		5000 (2270)
Propionic acid, 2-(2,4,5-trichlorophenoxy)-	Silvex (2,4,5-TP)	100 (45.4)
	2,4,5-TP @	
	2,4,5-TP acid	
Propionic anhydride		5000 (2270)
n-Propylamine *	1-Propanamine	5000 (2270)
Propylene dichloride *	1,2-Dichloropropane	1000 (454)
	Propane, 1,2-dichloro-	
Propylene oxide *		100 (45.4)
1,2-Propylenimine *	Aziridine, 2-methyl-	1 (0.454)
2-Propyn-1-ol	Propargyl alcohol *	1000 (454)
Pyrene		5000 (2270)
Pyrethrins		1 (0.454)
3,6-Pyridazinedione, 1,2-dihydro-	Maleic hydrazide	5000 (2270)
4-Pyridinamine	4-Aminopyridine	1000 (454)
Pyridine *		1000 (454)
Pyridine, 2-methyl-	2-Picoline	5000 (2270)
Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)	Nicotine * and salts *	100 (45.4)
4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	Methylthiouracil	10 (4.54)
Pyrrolidine, 1-nitroso-	N-Nitrosopyrrolidine	1 (0.454)
Quinoline		5000 (2270)
RADIONUCLIDES		See Table 2
Reserpine	Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy-, methyl ester—(3beta,16beta,17alpha,18beta,20alpha)-.	5000 (2270)
Resorcinol	1,3-Benzenediol	5000 (2270)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Saccharin and salts	1,2-Benzisothiazol-3(2H)-one,1,1-dioxide	100 (45.4)
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	100 (45.4)
Selenious acid		10 (4.54)
Selenious acid, dithallium(1+) salt	Thallium selenite	1000 (454)
Selenium ¢		100 (45.4)
Selenium dioxide	Selenium oxide *	10 (4.54)
Selenium oxide *	Selenium dioxide	10 (4.54)
Selenium sulfide	Selenium sulfide SeS2	10 (4.54)
Selenium sulfide SeS2	Selenium sulfide	10 (4.54)
Selenourea	Carbamimidoselenoic acid	1000 (454)
L-Serine, diazoacetate (ester)	Azaserine	1 (0.454)
Silver ¢		1000 (454)
Silver cyanide *	Silver cyanide Ag(CN)	1 (0.454)
Silver cyanide Ag(CN)	Silver cyanide	1 (0.454)
Silver nitrate *		1 (0.454)
Silvex(2,4,5-TP)	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	100 (45.4)
	2,4,5-TP @	
	2,4,5-TP acid	
Sodium *		10 (4.54)
Sodium arsenate *		1 (0.454)
Sodium arsenite *		1 (0.454)
Sodium azide *		1000 (454)
Sodium bichromate	Sodium dichromate @	10 (4.54)
Sodium bifluoride *		100 (45.4)
Sodium bisulfite *		5000 (2270)
Sodium chromate		10 (4.54)
Sodium cyanide *		10 (4.54)
Sodium cyanide Na(CN)	Sodium cyanide	10 (4.54)
Sodium dichromate @	Sodium bichromate	10 (4.54)
Sodium dodecylbenzene sulfonate		1000 (454)
Sodium fluoride *		1000 (454)
Sodium hydrosulfide *		5000 (2270)
Sodium hydroxide *		1000 (454)
Sodium hypochlorite *		100 (45.4)
Sodium methylate *		1000 (454)
Sodium nitrite *		100 (45.4)
Sodium phosphate, dibasic		5000 (2270)
Sodium phosphate, tribasic		5000 (2270)
Sodium selenite *		100 (45.4)
Streptozotocin	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)—	1 (0.454)
	D-Glucose, 2-deoxy-2-[[(methylnitrosoamino)-carbonyl]amino]-	
Strontium chromate		10 (4.54)
Strychnidin-10-one	Strychnine * and salts *	10 (4.54)
Strychnidin-10-one, 2,3-dimethoxy-	Brucine	100 (45.4)
Strychnine * and salts *	Strychnidin-10-one	10 (4.54)
Styrene		1000 (454)
Sulfur chloride @	Sulfur monochloride	1000 (454)
Sulfur monochloride	Sulfur chloride @	1000 (454)
Sulfur phosphide	Phosphorus pentasulfide *	100 (45.4)
	Phosphorus sulfide	
Sulfuric acid *		1000 (454)
Sulfuric acid, dimethyl ester	Dimethyl sulfate *	100 (45.4)
Sulfuric acid, dithallium(I+) salt	Thallium(I) sulfate *	100 (45.4)
2,4,5-T *	2,4,5-T acid	1000 (454)
	Acetic acid, (2,4,5-trichlorophenoxy)	
2,4,5-T acid	2,4,5-T *	1000 (454)
	Acetic acid, (2,4,5-trichlorophenoxy)	
2,4,5-T amines		5000 (2270)
2,4,5-T esters		1000 (454)
2,4,5-T salts		1000 (454)
TDE *	DDD	1 (0.454)
	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-	
	4,4'-DDD	
1,2,4,5-Tetrachlorobenzene	Benzene, 1,2,4,5-tetrachloro-	5000 (2270)
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)		1 (0.454)
1,1,1,2-Tetrachloroethane	Ethane, 1,1,1,2-tetrachloro—	100 (45.4)
	Tetrachloroethane @	
1,1,2,2-Tetrachloroethane	Ethane, 1,1,2,2-tetrachloro-	100 (45.4)
	Tetrachloroethane @	
Tetrachloroethane @	Ethane, 1,1,1,2-tetrachloro-	100 (45.4)
	Ethane, 1,1,2,2-tetrachloro-	
	1,1,1,2-Tetrachloroethane	
	1,1,2,-Tetrachloroethane	
Tetrachloroethene	Ethene, tetrachloro-	100 (45.4)
	Perchloroethylene *	
	Tetrachloroethylene *	

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Tetrachloroethylene *	Ethene, tetrachloro-	100 (45.4)
	Perchloroethylene *	
	Tetrachloroethene	
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	10 (4.54)
Tetraethyl lead *	Plumbane, tetraethyl-	10 (4.54)
Tetraethyl pyrophosphate *	Diphosphoric acid, tetraethyl ester	10 (4.54)
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	100 (45.4)
Tetrahydrofuran *	Furan, tetrahydro-	1000 (454)
Tetranitromethane *	Methane, tetranitro-	10 (4.54)
Tetraphosphoric acid, hexaethyl ester	Hexaethyl tetraphosphate *	100 (45.4)
Thallic oxide	Thallium oxide T1203	100 (45.4)
Thallium ¢		1000 (454)
Thallium(I) acetate	Acetic acid, thallium(I+) salt	100 (45.4)
Thallium(I) carbonate	Carbonic acid, dithallium (I+)	100 (45.4)
Thallium(I) chloride	Thallium chloride T1C1	100 (45.4)
Thallium chloride TlCl	Thallium(I) chloride	100 (45.4)
Thallium(I) nitrate	Nitric acid, thallium(1+) salt	100 (45.4)
Thallium oxide T1203	Thallic oxide	100 (45.4)
Thallium selenite	Selenious acid, dithallium(1+) salt	1000 (454)
Thallium(I) sulfate *	Sulfuric acid, dithallium(I+) salt	100 (45.4)
Thioacetamide	Ethanethioamide	10 (4.54)
Thiodiphosphoric acid, tetraethyl ester	Tetraethyldithiopyrophosphate	100 (45.4)
Thiofanox	2-Butanone, 3,3-Dimethyl-1-(methylthio)-,O[(methylamino)carbonyl] oxime.	100 (45.4)
Thioimidodicarbonic diamide [(H2N)C(S)]2NH	Dithiobiuret	100 (45.4)
Thiomethanol	Methanethiol	100 (45.4)
	Methyl mercaptan *	
Thioperoxydicarbonic diamide [(H2N)C(S)]2S2, tetramethyl-	Thiram	10 (4.54)
Thiophenol *	Benzenethiol	100 (45.4)
	Phenyl mercaptan @	
Thiosemicarbazide	Hydrazinecarbothioamide	100 (45.4)
Thiourea	Carbamide, thio-	10 (4.54)
Thiourea, (2-chlorophenyl)-	1-(o-Chlorophenyl)thiourea	100 (45.4)
Thiourea, 1-naphthalenyl-	alpha-Naphthylthiourea	100 (45.4)
Thiourea, phenyl-	Phenylthiourea	100 (45.4)
Thiram	Thioperoxydicarbonic diamide [(H2N)C(S)2S2, tetramethyl-	10 (4.54)
Toluene *	Benzene, methyl-	1000 (454)
Toluenediamine *	Benzenediamine, ar-methyl-	10 (4.54)
Toluene diisocyanate *	Benzene, 1,3-diisocyanatomethyl	100 (45.4)
o-Toluidine	2-Amino-1-methyl benzene	100 (45.4)
p-Toluidine	Benzenaminew, 4-methyl-	100 (45.4)
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	100 (45.4)
Toxaphene *	Camphene, octachloro-	1 (0.454)
2,4,5-TP @	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	100 (45.4)
	Silvex (2,4,5-TP)	
	2,4,5-TP acid	
2,4,5-TP acid	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	100 (45.4)
	Silvex (2,4,5-TP)	
	2,4,5-TP @	
2,4,5-TP acid esters		100 (45.4)
1H-1,2,4-Triazol-3-amine	Amitrole	10 (4.54)
Trichlorfon		100 (45.4)
1,2,4-Trichlorobenzene		100 (45.4)
1,1,1-Trichloroethane *	Methyl chloroform *	1000 (454)
	Ethane, 1,1,1-trichloro-	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	100 (45.4)
Trichloroethene	Trichloroethylene *	100 (45.4)
	Ethene, trichloro-	
Trichloroethylene *	Trichloroethene	100 (45.4)
	Ethene, trichloro-	
Trichloromethanesulfenyl chloride	Methanesulfenyl chloride, trichloro-	100 (45.4)
	Perchloromethyl mercaptan @	
Trichloromonofluoromethane	Methane, trichlorofluoro-	5000 (2270)
Trichlorophenol *		10 (4.54)
2,3,4-Trichlorophenol		
2,3,5-Trichlorophenol		
2,3,6-Trichlorophenol		
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	
3,4,5-Trichlorophenol		
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	10 (4.54)
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	10 (4.54)
Triethanolamine dodecylbenzene sulfonate		1000 (454)
Triethylamine		5000 (2270)
Trimethylamine *		100 (45.4)
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	10 (4.54)
1,3,5-Trioxane, 2,4,6-trimethyl-	Paraldehyde *	1000 (454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	10 (4.54)
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(l,1'-biphenyl)-4,4'-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt.	10 (4.54)
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	10 (4.54)
Uranyl acetate *		100 (45.4)
Uranyl nitrate *		100 (45.4)
Urea, N-ethyl-N-nitroso-	N-Nitroso-N-ethylurea	1 (0.454)
Urea, N-methyl-N-nitroso-	N-Nitroso-N-methylurea	1 (0.454)
Vanadic acid, ammonium salt	Ammonium vanadate	1000 (454)
Vanadium oxide V205	Vanadium pentoxide	1000 (454)
Vanadium pentoxide	Vanadium oxide V205	1000 (454)
Vanadyl sulfate		1000 (454)
Vinyl acetate *	Vinyl acetate monomer	5000 (2270)
Vinyl acetate monomer	Vinyl acetate—*	5000 (2270)
Vinylamine, N-methyl-N-nitroso-	N-Nitrosomethylvinylamine	10 (4.54)
Vinyl chloride *	Ethene, chloro-	1 (0.454)
Vinylidene chloride *	Ethene, 1,1-dichloro- 1,1-Dichloroethylene	100 (45.4)
Warfarin, & salts, when present at concentrations greater than 0.3%	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations greater than 0.3%.	100 (45.4)
Xylene * (mixed)	Benzene, dimethyl	1000 (454)
m-Bezene, dimethyl	m-Xylene	
o-Benzene, dimethyl	o-Xylene	
p-Benzene, dimethyl	p-Xylene	
Xylenol *		1000 (454)
Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester (3beta,16beta,17alpha,18beta,20alpha)-	Reserpine	5000 (2270)
Zinc ¢		1000 (454)
Zinc acetate		1000 (454)
Zinc ammonium chloride		1000 (454)
Zinc borate		1000 (454)
Zinc bromide		1000 (454)
Zinc carbonate		1000 (454)
Zinc chloride		1000 (454)
Zinc cyanide *	Zinc cyanide Zn(CN)2	10 (4.54)
Zinc cyanide Zn(CN)2	Zinc cyanide	10 (4.54)
Zinc fluoride		1000 (454)
Zinc formate		1000 (454)
Zinc hydrosulfite *		1000 (454)
Zinc nitrate *		1000 (454)
Zinc phenolsulfonate		5000 (2270)
Zinc phosphide *	Zinc phosphide Zn3P2, when present at concentrations greater than 10%.	100 (45.4)
Zinc phosphide Zn3P2, when present at concentrations greater than 10%.	Zinc phosphide—*	100 (45.4)
Zinc silicofluoride		5000 (2270)
Zinc sulfate		1000 (454)
Zirconium nitrate *		5000 (2270)
Zirconium potassium fluoride		1000 (454)
Zirconium sulfate *		5000 (2270)
Zirconium tetrachloride *		5000 (2270)
D001 Unlisted Hazardous Wastes Characteristic of Ignitability		100 (45.4)
D002 Unlisted Hazardous Wastes Characteristic of Corrosivity		100 (45.4)
D003 Unlisted Hazardous Wastes Characteristic of Reactivity		100 (45.4)
D004-D043 Unlisted Hazardous Wastes Characteristic of Toxicity		
D004 Arsenic		1 (0.454)
D005 Barium		1000 (454)
D006 Cadmium		10 (4.54)
D007 Chromium		10 (4.54)
D008 Lead		1 (0.454)
D009 Mercury		1 (0.454)
D010 Selenium		10 (4.54)
D011 Silver		1 (0.454)
D012 Endrin		1 (0.454)
D013 Lindane		1 (0.454)
D014 Methoxychlor		1 (0.454)
D015 Toxaphene		1 (0.454)
D016 2,4-D		100 (45.4)
D017 2,4,5-TP		100 (45.4)
D018 Benzene		10 (4.54)
D019 Carbon tetrachloride		10 (4.54)
D020 Chlordane		1 (0.454)
D021 Chlorobenzene		100 (45.4)
D022 Chloroform		10 (4.54)
D023 o-Cresol		1000 (454)
D024 m-Cresol		1000 (454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
D025 p-Cresol		1000 (454)
D026 Cresol		1000 (454)
D027 1,4-Dichlorobenzene		100 (45.4)
D028 1,2-Dichloroethane		100 (45.4)
D029 1,1-Dichloroethylene		100 (45.4)
D030 2,4-Dinitrotoluene		10 (4.54)
D031 Heptachlor (and hydroxide)		1 (0.454)
D032 Hexachlorobenzene		10 (4.54)
D033 Hexachlorobutadiene		1 (0.454)
D034 Hexachloroethane		100 (45.4)
D035 Methyl ethyl ketone		5000 (2270)
D036 Nitrobenzene		1000 (454)
D037 Pentachlorophenol		10 (4.54)
D038 Pyridine		1000 (454)
D039 Tetrachloroethylene		100 (45.4)
D040 Tricholorethylene		100 (45.4)
D041 2,4,5-Trichloroethylene		10 (4.54)
D042 2,4,6-Trichlorophenol		10 (4.54)
D043 Vinyl chloride		1 (0.454)
F001		10 (4.54)
The following spent halogenated solvents used in degreasing; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the below listed halogenated solvents or those solvents listed in F002, F004 and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.		
(a) Tetrachloroethylene		100 (45.4)
(b) Trichloroethylene		100 (45.4)
(c) Methylene chloride		1000 (454)
(d) 1,1,1-Trichloroethane		1000 (454)
(e) Carbon tetrachloride		10 (4.54)
(f) Chlorinated fluorocarbons		5000 (2270)
F002		10 (4.54)
The following spent halogenated solvents; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the below listed halogenated solvents or those listed in F001, F004, F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures..		
(a) Tetrachloroethylene		100 (45.4)
(b) Methylene chloride		1000 (454)
(c) Trichloroethylene		100 (45.4)
(d) 1,1,1-Trichloroethane		1000 (454)
(e) Chlorobenzene		100 (45.4)
(f) 1,1,2-Trichloro-1,2,2-trifluoroethane		5000 (2270)
(g) o-Dichlorobenzene		100 (45.4)
(h) Trichlorofluoromethane		5000 (2270)
(i) 1,1,2 Trichloroethane		100 (45.4)
F003		100 (45.4)
The following spent non-halogenated solvents and solvents:		
(a) Xylene		1000 (454)
(b) Acetone		5000 (2270)
(c) Ethyl acetate		5000 (2270)
(d) Ethylbenzene		1000 (454)
(e) Ethyl ether		100 (45.4)
(f) Methyl isobutyl ketone		5000 (2270)
(g) n-Butyl alcohol		5000 (2270)
(h) Cyclohexanone		5000 (2270)
(i) Methanol		5000 (2270)
F004		1000 (454)
The following spent non-halogenated solvents and the stillbottoms from the recovery of these solvents:.		
(a) Cresols/Cresylic acid		1000 (454)
(b) Nitrobenzene		1000 (454)
F005		100 (45.4)
The following spent non-halogenated solvents and the stillbottoms from the recovery of these solvents:.		
(a) Toluene		1000 (454)
(b) Methyl ethyl ketone		5000 (2270)
(c) Carbon disulfide		100 (45.4)
(d) Isobutanol		5000 (2270)
(e) Pyridine		1000 (454)

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
F006		10 (4.54)
Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum,(2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbonsteel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etchingand milling of aluminum.		
F007		10 (4.54)
Spent cyanide plating bath solutions from electroplating operations		
F008		10 (4.54)
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.		
F009		10 (4.54)
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.		
F010		10 (4.54)
Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.		
F011		10 (4.54)
Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).		
F012		10 (4.54)
Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.		
F019		10 (4.54)
Wastewater treatment sludges from the chemical conversion coating of aluminum—except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.		
F020		1 (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.).		
F021		1 (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives..		
F022		1 (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions..		
F023		1 (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the productionor use of hexachlorophene from highly purified 2,4,5-trichlorophenol.).		
F024		1 (0.454)
Wastes, including but not limited to distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of chlorinated aliphatichydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent dessicants(sic), wastewater, wastewater treatment sludges,spent catalysts, and wastes listed in 40 CFR 261.32.).		
F025		1 (0.454)
Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.		

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
F026		1 (0.454)
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions..		
F027		1 (0.454)
Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.).		
F028		1 (0.454)
Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027..		
F039		1 0.454)
Multi source leachate		
K001		1 (0.454)
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.		
K002		1 (0.454)
Wastewater treatment sludge from the production of chrome yellow and orange pigments.		
K003		1 (0.454)
Wastewater treatment sludge from the production of molybdate orange pigments.		
K004		10 (4.54)
Wastewater treatment sludge from the production of zinc yellow pigments.		
K005		1 (0.454)
Wastewater treatment sludge from the production of chrome green pigments.		
K006		10 (4.54)
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).		
K007		10 (4.54)
Wastewater treatment sludge from the production of iron blue pigments..		
K008		10 (4.54)
Oven residue from the production of chrome oxide green pigments		
K009		10 (4.54)
Distillation bottoms from the production of acetaldehyde from ethylene		
K010		10 (4.54)
Distillation side cuts from the production of acetaldehyde from ethylene..		
K011		10 (4.54)
Bottom stream from the wastewater stripper in the production of acrylonitrile.		
K013		10 (4.54)
Bottom stream from the acetonitrile column in the production of acrylonitrile.		
K014		5000 (2270)
Bottoms from the acetonitrile purification column in the production of acrylonitrile.		
K015		10 (4.54)
Still bottoms from the distillation of benzyl chloride		
K016		1 (0.454)
Heavy ends or distillation residues from the production of carbon tetrachloride.		
K017		10 (4.54)
Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.		
K018		1 (0.454)
Heavy ends from the fractionation column in ethyl chloride production		
K019		1 (0.454)
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production..		
K020		1 (0.454)
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.		
K021		10 (4.54)
Aqueous spent antimony catalyst waste from fluoromethanes production.		
K022		1 (0.454)
Distillation bottom tars from the production of phenol/acetone from cumene.		

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
K023		5000 (2270)
Distillation light ends from the production of phthalic anhydride from naphthalene.		
K024		5000 (2270)
Distillation bottoms from the production of phthalic anhydride from naphthalene.		
K025		10 (4.54)
Distillation bottoms from the production of nitrobenzene by the nitration of benzene.		
K026		1000 (454)
Stripping still tails from the production of methyl ethyl pyridines		
K027		10 (4.54)
Centrifuge and distillation residues from toluene diisocyanate production.		
K028		1 (0.454)
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.		
K029		1 (0.454)
Waste from the product steam stripper in the production of 1,1,1-trichloroethane.		
K030		1 (0.454)
Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.		
K031		1 (0.454)
By-product salts generated in the production of MSMA and cacodylic acid.		
K032		10 (4.54)
Wastewater treatment sludge from the production of chlordane		
K033		10 (4.54)
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.		
K034		10 (4.54)
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.		
K035		1 (0.454)
Wastewater treatment sludges generated in the production of creosote		
K036		1 (0.454)
Still bottoms from toluene reclamation distillation in the production ofdisulfoton.		
K037		1 (0.454)
Wastewater treatment sludges from the production of disulfoton		
K038		10 (4.54)
Wastewater from the washing and stripping of phorate production		
K039		10 (4.54)
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.		
K040		10 (4.54)
Wastewater treatment sludge from the production of phorate		
K041		1 (0.454)
Wastewater treatment sludge from the production of toxaphene		
K042		10 (4.54)
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.		
K043		10 (4.54)
2,6-dichlorophenol waste from the production of 2,4-D		
K044		10 (4.54)
Wastewater treatment sludges from the manufacturing and processing of explosives.		
K045		10 (4.54)
Spent carbon from the treatment of wastewater containing explosives		
K046		100 (45.4)
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.		
K047		10 (4.54)
Pink/red water from TNT operations		
K048		1 (0.454)
Dissolved air flotation (DAF) float from the petroleum refining industry		
K049		1 (0.454)
Slop oil emulsion solids from the petroleum refining industry		
K050		10 (4.54)
Heat exchanger bundle cleaning sludge from the petroleum refining industry.		
K051		1 (0.454)
API separator sludge from the petroleum refining industry		
K052		10 (4.54)
Tank bottoms (leaded) from the petroleum refining industry		

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
K060		1 (0.454)
Ammonia still lime sludge from coking operations		
K061		1 (0.454)
Emission control dust/sludge from the primary production of steel in electric furnaces.		
K062		1 (0.454)
Spent pickle liquor generated by steel finishing operatins of facilities within the iron and steel industry.		
K064		I (0.454)
Acid plant blowdown slurry/sludge resulting from thickening of blowdoen slurry from primary copper production..		
K065		1 (0.454)
Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities..		
K066		1 (0.454)
Sludge from treatment of process wastewater and /or acid plant blowdown from primary zinc production..		
K069		1 (0.454)
Emission control dust/sludge from secondary lead smelting		
K071		1 (0.454)
Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.		
K073		10 (4.54)
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production..		
K083		100 (45.4)
Distillation bottoms from aniline extraction		
K084		1 (0.454)
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		
K085		10 (4.54)
Distillation or fractionation column bottoms from the production of chlorobenzenes.		
K086		1 (0.454)
Solvent washes and sludges, caustic washes and sludges, orwater washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.		
K087		100 (45.4)
Decanter tank tar sludge from coking operations		
K088		1 (0.454)
Spent potliners from primary aluminum reduction		
K090		1 (0.454)
Emission control dust or sludge from ferrochromiumsilicon production		
K091		1 (0.454)
Emission control dust or sludge from ferrochromium production.		
K093		5000 (2270)
Distillation light ends from the production of phthalic anhydride from ortho-xylene.		
K094		5000 (2270)
Distillation bottoms from the production of phthalic anhydride from ortho-xylene.		
K095		100 (45.4)
Distillation bottoms from the production of 1,1,1-trichloroethane.		
K096		100 (45.4)
Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane..		
K097		1 (0.454)
Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.		
K098		I (0.454)
Untreated process wastewater from the production of toxaphene		
K099		10 (4.54)
Untreated wastewater from the production of 2,4-D		
K100		1 (0.454)
Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.		
K101		1 (0.454)
Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		
K102		1 (0.454)
Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		

Table 1—Hazardous Substances Other Than Radionuclides—Continued

Hazardous Substance	Synonyms	Reportable Quantity (RQ) Pounds (Kilograms)
K103		100 (45.4)
Process residues from aniline extraction from the production of aniline		
K104		10 (4.54)
Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes.		
K105		10 (4.54)
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.		
K106		1 (0.454)
Wastewater treatment sludge from the mercury cell process in chlorine production.		
K107		10 (4.54)
Column bottoms from product seperation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazines.		
K108		10 (4.54)
Condensed column overheads from product seperation and condensed reator vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
K109		10 (4.54)
Spent filter cartidges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydazides.		
K110		10 (4.54)
Condensed column overheads from intermediate seperation from the production of 1,1-dimethylhydrazines (UDMH) from carboxylic acid hydrazides.		
K111		10 (4.54)
Product washwaters from the production of dinitrotoluene via nitration of toluene..		
K112		10 (4.54)
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.		
K113		10 (4.54)
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene..		
K114		10 (4.54)
Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene..		
K115		10 (4.54)
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene..		
K116		10 (4.54)
Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine..		
K117		1 (0.454)
Wastewater from the reaction vent gas scrubber in the production of ethylene bromide via bromination of ethene..		
K118		1 (0.454)
Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide..		
K123		10 (4.54)
Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts..		
K124		10 (4.54)
Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts..		
K125		10 (4.54)
Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts..		
K126		10 (4.54)
Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts..		
K131		100 (45.4)
Waste water from the reactor and spent sulfuric acid from the acid dryer in the production of methyl bromide.		
K132		1000 (454)
Spent absorbent and wastewater solids from the production of methyl bromide.		
K136		1 (0.454)
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene..		

Footnotes:
¢ The RQ for these hazardous substances is limited to those pieces of the metal having a diameter smaller than 100 micrometers (0.004 inches)
¢¢ The RQ for asbestos is limited to friable forms only
@ Indicates that the name was added by RSPA because (1) the name is a synonym for a specific hazardous substance and (2) the name appears in the Hazardous Materials Table as a proper shipping name.
* Indicates that this material appears by name in the Hazardous Materials Table

List of Hazardous Substances and Reportable Quantities

Table2— Radionuclides

(1)—Radionuclide	(2)—Atomic Number	(3)—Reportable Quantity (RQ) Ci (TBq)
Actinium-224	89	100 (3.7)
Actinium-225	89	1 (.037)
Actinium-226	89	10 (.37)
Actinium-227	89	0.001 (.000037)
Actinium-228	89	10 (.37)
Aluminum-26	13	10 (.37)
Americium-237	95	1000 (37)
Americium-238	95	100 (3.7)
Americium-239	95	100 (3.7)
Americium-240	95	10 (.37)
Americium-241	95	0.01 (.00037)
Americium-242	95	100 (3.7)
Americium-242m	95	0.01 (.00037)
Americium-243	95	0.01 (.00037)
Americium-244	95	10 (.37)
Americium-244m	95	1000 (37)
Americium-245	95	1000 (37)
Americium-246	95	1000 (37)
Americium-246m	95	1000 (37)
Antimony-115	51	1000 (37)
Antimony-116	51	1000 (37)
Antimony-116m	51	100 (3.7)
Antimony-117	51	1000 (37)
Antimony-118m	51	10 (.37)
Antimony-119	51	1000 (37)
Antimony-120 (16 min)	51	1000 (37)
Antimony-120 (5.76 day)	51	10 (.37)
Antimony-122	51	10 (.37)
Antimony-124	51	10 (.37)
Antimony-124m	51	1000 (37)
Antimony-125	51	10 (.37)
Antimony-126	51	10 (.37)
Antimony-126m	51	1000 (37)
Antimony-127	51	10 (.37)
Antimony-128 (10.4 min)	51	1000 (37)
Antimony-128 (9.01 hr)	51	10 (.37)
Antimony-129	51	100 (3.7)
Antimony-130	51	100 (3.7)
Antimony-131	51	1000 (37)
Argon-39	18	1000 (37)
Argon-41	18	10 (.37)
Arsenic-69	33	1000 (37)
Arsenic-70	33	100 (3.7)
Arsenic-71	33	100 (3.7)
Arsenic-72	33	10 (.37)
Arsenic-73	33	100 (3.7)
Arsenic-74	33	10 (.37)
Arsenic-76	33	100 (3.7)
Arsenic-77	33	1000 (37)
Arsenic-78	33	100 (3.7)
Astatine-207	85	100 (3.7)
Astatine-211	85	100 (3.7)
Barium-126	56	1000 (37)
Barium-128	56	10 (.37)
Barium-131	56	10 (.37)
Barium-131m	56	1000 (37)
Barium-133	56	10 (.37)
Barium-133m	56	100 (3.7)
Barium-135m	56	1000 (37)
Barium-139	56	1000 (37)
Barium-140	56	10 (.37)
Barium-141	56	1000 (37)
Barium-142	56	1000 (37)
Berkelium-245	97	100 (3.7)
Berkelium-246	97	10 (.37)
Berkelium-247	97	0.01 (.00037)
Berkelium-249	97	1 (.037)
Berkelium-250	97	100 (3.7)
Beryllium-10	4	1 (.037)
Beryllium-7	4	100 (3.7)
Bismuth-200	83	100 (3.7)
Bismuth-201	83	100 (3.7)
Bismuth-202	83	1000 (37)
Bismuth-203	83	10 (.37)
Bismuth-205	83	10 (.37)
Bismuth-206	83	10 (.37)
Bismuth-207	83	10 (.37)
Bismuth-210	83	10 (.37)
Bismuth-210m	83	0.1 (.0037)
Bismuth-212	83	100 (3.7)
Bismuth-213	83	100 (3.7)
Bismuth-214	83	100 (3.7)
Bromine-74	35	100 (3.7)
Bromine-74m	35	100 (3.7)
Bromine-75	35	100 (3.7)
Bromine-76	35	10 (.37)
Bromine-77	35	100 (3.7)
Bromine-80	35	1000 (37)
Bromine-80m	35	1000 (37)
Bromine-82	35	10 (.37)
Bromine-83	35	1000 (37)
Bromine-84	35	100 (3.7)
Cadmium-104	48	1000 (37)
Cadmium-107	48	1000 (37)
Cadmium-109	48	1 (.037)
Cadmium-113	48	0.1 (.0037)
Cadmium-113m	48	0.1 (.0037)
Cadmium-115	48	100 (3.7)
Cadmium-115m	48	10 (.37)
Cadmium-117	48	100 (3.7)
Cadmium-117m	48	10 (.37)
Calcium-41	20	10 (.37)
Calcium-45	20	10 (.37)
Calcium-47	20	10 (.37)
Californium-244	98	1000 (37)
Californium-246	98	10 (.37)
Californium-248	98	0.1 (.0037)
Californium-249	98	0.01 (.00037)
Californium-250	98	0.01 (.00037)
Californium-251	98	0.01 (.00037)
Californium-252	98	0.1 (.0037)
Californium-253	98	10 (.37)
Californium-254	98	0.1 (.0037)
Carbon-11	6	1000 (37)
Carbon-14	6	10 (.37)
Cerium-134	58	10 (.37)
Cerium-135	58	10 (.37)
Cerium-137	58	1000 (37)
Cerium-137m	58	100 (3.7)
Cerium-139	58	100 (3.7)
Cerium-141	58	10 (.37)
Cerium-143	58	100 (3.7)
Cerium-144	58	1 (.037)
Cesium-125	55	1000 (37)
Cesium-127	55	100 (3.7)
Cesium-129	55	100 (3.7)
Cesium-130	55	1000 (37)
Cesium-131	55	1000 (37)
Cesium-132	55	10 (.37)
Cesium-134	55	1 (.037)
Cesium-134m	55	1000 (37)
Cesium-135	55	10 (.37)
Cesium-135m	55	100 (3.7)
Cesium-136	55	10 (.37)
Cesium-137	55	1 (.037)
Cesium-138	55	100 (3.7)
Chlorine-36	17	10 (.37)
Chlorine-38	17	100 (3.7)
Chlorine-39	17	100 (3.7)
Chromium-48	24	100 (3.7)
Chromium-49	24	1000 (37)
Chromium-51	24	1000 (37)
Cobalt-55	27	10 (.37)
Cobalt-56	27	10 (.37)
Cobalt-57	27	100 (3.7)
Cobalt-58	27	10 (.37)
Cobalt-58m	27	1000 (37)
Cobalt-60	27	10 (.37)
Cobalt-60m	27	1000 (37)
Cobalt-61	27	1000 (37)
Cobalt-62m	27	1000 (37)
Copper-60	29	100 (3.7)
Copper-61	29	100 (3.7)
Copper-64	29	1000 (37)
Copper-67	29	100 (3.7)
Curium-238	96	1000 (37)
Curium-240	96	1 (.037)
Curium-241	96	10 (.37)
Curium-242	96	1 (.037)
Curium-243	96	0.01 (.00037)
Curium-244	96	0.01 (.00037)
Curium-245	96	0.01 (.00037)
Curium-246	96	0.01 (.00037)
Curium-247	96	0.01 (.00037)
Curium-248	96	0.001 (.000037)
Curium-249	96	1000 (37)
Dysprosium-155	66	100 (3.7)
Dysprosium-157	66	100 (3.7)
Dysprosium-159	66	100 (3.7)
Dysprosium-165	66	1000 (37)
Dysprosium-166	66	10 (.37)
Einsteinium-250	99	10 (.37)
Einsteinium-251	99	1000 (37)
Einsteinium-253	99	10 (.37)
Einsteinium-254	99	0.1 (.0037)
Einsteinium-254m	99	1 (.037)
Erbium-161	68	100 (3.7)
Erbium-165	68	1000 (37)
Erbium-169	68	100 (3.7)
Erbium-171	68	100 (3.7)
Erbium-172	68	10 (.37)
Europium-145	63	10 (.37)
Europium-146	63	10 (.37)
Europium-147	63	10 (.37)
Europium-148	63	10 (.37)
Europium-149	63	100 (3.7)
Europium-150 (12.6 hr)	63	1000 (37)
Europium-150 (34.2 yr)	63	10 (.37)
Europium-152	63	10 (.37)
Europium-152m	63	100 (3.7)
Europium-154	63	10 (.37)
Europium-155	63	10 (.37)
Europium-156	63	10 (.37)
Europium-157	63	10 (.37)
Europium-158	63	1000 (37)
Fermium-252	100	10 (.37)
Fermium-253	100	10 (.37)
Fermium-254	100	100 (3.7)
Fermium-255	100	100 (3.7)
Fermium-257	100	1 (.037)
Fluorine-18	9	1000 (37)
Francium-222	87	100 (3.7)
Francium-223	87	100 (3.7)
Gadolinium-145	64	100 (3.7)
Gadolinium-146	64	10 (.37)
Gadolinium-147	64	10 (.37)
Gadolinium-148	64	0.001 (.000037)
Gadolinium-149	64	100 (3.7)
Gadolinium-151	64	100 (3.7)
Gadolinium-152	64	0.001 (.000037)
Gadolinium-153	64	10 (.37)
Gadolinium-159	64	1000 (37)
Gallium-65	31	1000 (37)
Gallium-66	31	10 (.37)
Gallium-67	31	100 (3.7)
Gallium-68	31	1000 (37)
Gallium-70	31	1000 (37)
Gallium-72	31	10 (.37)
Gallium-73	31	100 (3.7)
Germanium-66	32	100 (3.7)
Germanium-67	32	1000 (37)
Germanium-68	32	10 (.37)
Germanium-69	32	10 (.37)
Germanium-71	32	1000 (37)
Germanium-75	32	1000 (37)
Germanium-77	32	10 (.37)

(1)—Radionuclide	(2)—Atomic Number	(3)—Reportable Quantity (RQ) Ci (TBq)
Germanium-78	32	1000 (37)
Gold-193	79	100 (3.7)
Gold-194	79	10 (.37)
Gold-195	79	100 (3.7)
Gold-198	79	100 (3.7)
Gold-198m	79	10 (.37)
Gold-199	79	100 (3.7)
Gold-200	79	1000 (37)
Gold-200m	79	10 (.37)
Gold-201	79	1000 (37)
Hafnium-170	72	100 (3.7)
Hafnium-172	72	1 (.037)
Hafnium-173	72	100 (3.7)
Hafnium-175	72	100 (3.7)
Hafnium-177m	72	1000 (37)
Hafnium-178m	72	0.1 (.0037)
Hafnium-179m	72	100 (3.7)
Hafnium-180m	72	100 (3.7)
Hafnium-181	72	10 (.37)
Hafnium-182	72	0.1 (.0037)
Hafnium-182m	72	100 (3.7)
Hafnium-183	72	100 (3.7)
Hafnium-184	72	100 (3.7)
Holmium-155	67	1000 (37)
Holmium-157	67	1000 (37)
Holmium-159	67	1000 (37)
Holmium-161	67	1000 (37)
Holmium-162	67	1000 (37)
Holmium-162m	67	1000 (37)
Holmium-164	67	1000 (37)
Holmium-164m	67	1000 (37)
Holmium-166	67	100 (3.7)
Holmium-166m	67	1 (.037)
Holmium-167	67	100 (3.7)
Hydrogen-3	1	100 (3.7)
Indium-109	49	100 (3.7)
Indium-110 (4.9 hr)	49	10 (.37)
Indium-110 (69.1 min)	49	100 (3.7)
Indium-111	49	100 (3.7)
Indium-112	49	1000 (37)
Indium-113m	49	1000 (37)
Indium-114m	49	10 (.37)
Indium-115	49	0.1 (.0037)
Indium-115m	49	100 (3.7)
Indium-116m	49	100 (3.7)
Indium-117	49	1000 (37)
Indium-117m	49	100 (3.7)
Indium-119m	49	1000 (37)
Iodine-120	53	10 (.37)
Iodine-120m	53	100 (3.7)
Iodine-121	53	100 (3.7)
Iodine-123	53	10 (.37)
Iodine-124	53	0.1 (.0037)
Iodine-125	53	0.01 (.00037)
Iodine-126	53	0.01 (.00037)
Iodine-128	53	1000 (37)
Iodine-129	53	0.001 (.000037)
Iodine-130	53	1 (.037)
Iodine-131	53	0.01 (.00037)
Iodine-132	53	10 (.37)
Iodine-132m	53	10 (.37)
Iodine-133	53	0.1 (.0037)
Iodine-134	53	100 (3.7)
Iodine-135	53	10 (.37)
Iridium-182	77	1000 (37)
Iridium-184	77	100 (3.7)
Iridium-185	77	100 (3.7)
Iridium-186	77	10 (.37)
Iridium-187	77	100 (3.7)
Iridium-188	77	10 (.37)
Iridium-189	77	100 (3.7)
Iridium-190	77	10 (.37)
Iridium-190m	77	1000 (37)
Iridium-192	77	10 (.37)
Iridium-192m	77	100 (3.7)
Iridium-194	77	100 (3.7)
Iridium-194m	77	10 (.37)
Iridium-195	77	1000 (37)
Iridium-195m	77	100 (3.7)
Iron-52	26	100 (3.7)
Iron-55	26	100 (3.7)
Iron-59	26	10 (.37)
Iron-60	26	0.1 (.0037)
Krypton-74	36	10 (.37)
Krypton-76	36	10 (.37)
Krypton-77	36	10 (.37)
Krypton-79	36	100 (3.7)
Krypton-81	36	1000 (37)
Krypton-83m	36	1000 (37)
Krypton-85	36	1000 (37)
Krypton-85m	36	100 (3.7)
Krypton-87	36	10 (.37)
Krypton-88	36	10 (.37)
Lanthanum-131	57	1000 (37)
Lanthanum-132	57	100 (3.7)
Lanthanum-135	57	1000 (37)
Lanthanum-137	57	10 (.37)
Lanthanum-138	57	1 (.037)
Lanthanum-140	57	10 (.37)
Lanthanum-141	57	1000 (37)
Lanthanum-142	57	100 (3.7)
Lanthanum-143	57	1000 (37)
Lead-195m	82	1000 (37)
Lead-198	82	100 (3.7)
Lead-199	82	100 (3.7)
Lead-200	82	100 (3.7)
Lead-201	82	100 (3.7)
Lead-202	82	1 (.037)
Lead-202m	82	10 (.37)
Lead-203	82	100 (3.7)
Lead-205	82	100 (3.7)
Lead-209	82	1000 (37)
Lead-210	82	0.01 (.00037)
Lead-211	82	100 (3.7)
Lead-212	82	10 (.37)
Lead-214	82	100 (3.7)
Lutetium-169	71	10 (.37)
Lutetium-170	71	10 (.37)
Lutetium-171	71	10 (.37)
Lutetium-172	71	10 (.37)
Lutetium-173	71	100 (3.7)
Lutetium-174	71	10 (.37)
Lutetium-174m	71	10 (.37)
Lutetium-176	71	1 (.037)
Lutetium-176m	71	1000 (37)
Lutetium-177	71	100 (3.7)
Lutetium-177m	71	10 (.37)
Lutetium-178	71	1000 (37)
Lutetium-178m	71	1000 (37)
Lutetium-179	71	1000 (37)
Magnesium-28	12	10 (.37)
Manganese-51	25	1000 (37)
Manganese-52	25	10 (.37)
Manganese-52m	25	1000 (37)
Manganese-53	25	1000 (37)
Manganese-54	25	10 (.37)
Manganese-56	25	100 (3.7)
Mendelevium-257	101	100 (3.7)
Mendelevium-258	101	1 (.037)
Mercury-193	80	100 (3.7)
Mercury-193m	80	10 (.37)
Mercury-194	80	0.1 (.0037)
Mercury-195	80	100 (3.7)
Mercury-195m	80	100 (3.7)
Mercury-197	80	1000 (37)
Mercury-197m	80	1000 (37)
Mercury-199m	80	1000 (37)
Mercury-203	80	10 (.37)
Molybdenum-101	42	1000 (37)
Molybdenum-90	42	100 (3.7)
Molybdenum-93	42	100 (3.7)
Molybdenum-93m	42	10 (.37)
Molybdenum-99	42	100 (3.7)
Neodymium-136	60	1000 (37)
Neodymium-138	60	1000 (37)
Neodymium-139	60	1000 (37)
Neodymium-139m	60	100 (3.7)
Neodymium-141	60	1000 (37)
Neodymium-147	60	10 (.37)
Neodymium-149	60	100 (3.7)
Neodymium-151	60	1000 (37)
Neptunium-232	93	1000 (37)
Neptunium-233	93	1000 (37)
Neptunium-234	93	10 (.37)
Neptunium-235	93	1000 (37)
Neptunium-236 (1.2 E 5 yr)	93	0.1 (.0037)
Neptunium-236 (22.5 hr)	93	100 (3.7)
Neptunium-237	93	0.01 (.00037)
Neptunium-238	93	10 (.37)
Neptunium-239	93	100 (3.7)
Neptunium-240	93	100 (3.7)
Nickel-56	28	10 (.37)
Nickel-57	28	10 (.37)
Nickel-59	28	100 (3.7)
Nickel-63	28	100 (3.7)
Nickel-65	28	100 (3.7)
Nickel-66	28	10 (.37)
Niobium-88	41	100 (3.7)
Niobium-89 (122 min)	41	100 (3.7)
Niobium-89 (66 min)	41	100 (3.7)
Niobium-90	41	10 (.37)
Niobium-93m	41	100 (3.7)
Niobium-94	41	10 (.37)
Niobium-95	41	10 (.37)
Niobium-95m	41	100 (3.7)
Niobium-96	41	10 (.37)
Niobium-97	41	100 (3.7)
Niobium-98	41	1000 (37)
Osmium-180	76	1000 (37)
Osmium-181	76	100 (3.7)
Osmium-182	76	100 (3.7)
Osmium-185	76	10 (.37)
Osmium-189m	76	1000 (37)
Osmium-191	76	100 (3.7)
Osmium-191m	76	1000 (37)
Osmium-193	76	100 (3.7)
Osmium-194	76	1 (.037)
Palladium-100	46	100 (3.7)
Palladium-101	46	100 (3.7)
Palladium-103	46	100 (3.7)
Palladium-107	46	100 (3.7)
Palladium-109	46	1000 (37)
Phosphorus-32	15	0.1 (.0037)
Phosphorus-33	15	1 (.037)
Platinum-186	78	100 (3.7)
Platinum-188	78	100 (3.7)
Platinum-189	78	100 (3.7)
Platinum-191	78	100 (3.7)
Platinum-193	78	1000 (37)
Platinum-193m	78	100 (3.7)
Platinum-195m	78	100 (3.7)
Platinum-197	78	1000 (37)
Platinum-197m	78	1000 (37)
Platinum-199	78	1000 (37)
Platinum-200	78	100 (3.7)
Plutonium-234	94	1000 (37)
Plutonium-235	94	1000 (37)
Plutonium-236	94	0.1 (.0037)
Plutonium-237	94	1000 (37)
Plutonium-238	94	0.01 (.00037)
Plutonium-239	94	0.01 (.00037)
Plutonium-240	94	0.01 (.00037)
Plutonium-241	94	1 (.037)
Plutonium-242	94	0.01 (.00037)
Plutonium-243	94	1000 (37)
Plutonium-244	94	0.01 (.00037)
Plutonium-245	94	100 (3.7)
Polonium-203	84	100 (3.7)
Polonium-205	84	100 (3.7)
Polonium-207	84	10 (.37)
Polonium-210	84	0.01 (.00037)
Potassium-40	19	1 (.037)
Potassium-42	19	100 (3.7)
Potassium-43	19	10 (.37)
Potassium-44	19	100 (3.7)

(1)—Radionuclide	(2)—Atomic Number	(3)—Reportable Quantity (RQ) Ci (TBq)
Potassium-45	19	1000 (37)
Praseodymium-136	59	1000 (37)
Praseodymium-137	59	1000 (37)
Praseodymium-138m	59	100 (3.7)
Praseodymium-139	59	1000 (37)
Praseodymium-142	59	100 (3.7)
Praseodymium-142m	59	1000 (37)
Praseodymium-143	59	10 (.37)
Praseodymium-144	59	1000 (37)
Praseodymium-145	59	1000 (37)
Praseodymium-147	59	1000 (37)
Promethium-141	61	1000 (37)
Promethium-143	61	100 (3.7)
Promethium-144	61	10 (.37)
Promethium-145	61	100 (3.7)
Promethium-146	61	10 (.37)
Promethium-147	61	10 (.37)
Promethium-148	61	10 (.37)
Promethium-148m	61	10 (.37)
Promethium-149	61	100 (3.7)
Promethium-150	61	100 (3.7)
Promethium-151	61	100 (3.7)
Protactinium-227	91	100 (3.7)
Protactinium-228	91	10 (.37)
Protactinium-230	91	10 (.37)
Protactinium-231	91	0.01 (.00037)
Protactinium-232	91	10 (.37)
Protactinium-233	91	100 (3.7)
Protactinium-234	91	10 (.37)
RADIONUCLIDES $ †		1 (.037)
Radium-223	88	1 (.037)
Radium-224	88	10 (.37)
Radium-225	88	1 (.037)
Radium-226 **	88	0.1 (.0037)
Radium-227	88	1000 (37)
Radium-228	88	0.1 (.0037)
Radon-220	86	0.1 (.0037)
Radon-222	86	0.1 (.0037)
Rhenium-177	75	1000 (37)
Rhenium-178	75	1000 (37)
Rhenium-181	75	100 (3.7)
Rhenium-182 (12.7 hr)	75	10 (.37)
Rhenium-182 (64.0 hr)	75	10 (.37)
Rhenium-184	75	10 (.37)
Rhenium-184m	75	10 (.37)
Rhenium-186	75	100 (3.7)
Rhenium-186m	75	10 (.37)
Rhenium-187	75	1000 (37)
Rhenium-188	75	1000 (37)
Rhenium-188m	75	1000 (37)
Rhenium-189	75	1000 (37)
Rhodium-100	45	10 (.37)
Rhodium-101	45	10 (.37)
Rhodium-101m	45	100 (3.7)
Rhodium-102	45	10 (.37)
Rhodium-102m	45	10 (.37)
Rhodium-103m	45	1000 (37)
Rhodium-105	45	100 (3.7)
Rhodium-106m	45	10 (.37)
Rhodium-107	45	1000 (37)
Rhodium-99	45	10 (.37)
Rhodium-99m	45	100 (3.7)
Rubidium-79	37	1000 (37)
Rubidium-81	37	100 (3.7)
Rubidium-81m	37	1000 (37)
Rubidium-82m	37	10 (.37)
Rubidium-83	37	10 (.37)
Rubidium-84	37	10 (.37)
Rubidium-86	37	10 (.37)
Rubidium-87	37	10 (.37)
Rubidium-88	37	1000 (37)
Rubidium-89	37	1000 (37)
Ruthenium-103	44	10 (.37)
Ruthenium-105	44	100 (3.7)
Ruthenium-106	44	1 (.037)
Ruthenium-94	44	1000 (37)
Ruthenium-97	44	100 (3.7)
Samarium-141	62	1000 (37)
Samarium-141m	62	1000 (37)
Samarium-142	62	1000 (37)
Samarium-145	62	100 (3.7)
Samarium-146	62	0.01 (.00037)
Samarium-147	62	0.01 (.00037)
Samarium-151	62	10 (.37)
Samarium-153	62	100 (3.7)
Samarium-155	62	1000 (37)
Samarium-156	62	100 (3.7)
Scandium-43	21	1000 (37)
Scandium-44	21	100 (3.7)
Scandium-44m	21	10 (.37)
Scandium-46	21	10 (.37)
Scandium-47	21	100 (3.7)
Scandium-48	21	10 (.37)
Scandium-49	21	1000 (37)
Selenium-70	34	1000 (37)
Selenium-73	34	10 (.37)
Selenium-73m	34	100 (3.7)
Selenium-75	34	10 (.37)
Selenium-79	34	10 (.37)
Selenium-81	34	1000 (37)
Selenium-81m	34	1000 (37)
Selenium-83	34	1000 (37)
Silicon-31	14	1000 (37)
Silicon-32	14	1 (.037)
Silver-102	47	100 (3.7)
Silver-103	47	1000 (37)
Silver-104	47	1000 (37)
Silver-104m	47	1000 (37)
Silver-105	47	10 (.37)
Silver-106	47	1000 (37)
Silver-106m	47	10 (.37)
Silver-108m	47	10 (.37)
Silver-110m	47	10 (.37)
Silver-111	47	10 (.37)
Silver-112	47	100 (3.7)
Silver-115	47	1000 (37)
Sodium-22	11	10 (.37)
Sodium-24	11	10 (.37)
Strontium-80	38	100 (3.7)
Strontium-81	38	1000 (37)
Strontium-83	38	100 (3.7)
Strontium-85	38	10 (.37)
Strontium-85m	38	1000 (37)
Strontium-87m	38	100 (3.7)
Strontium-89	38	10 (.37)
Strontium-90	38	0.1 (.0037)
Strontium-91	38	10 (.37)
Strontium-92	38	100 (3.7)
Sulfur-35	16	1 (.037)
Tantalum-172	73	100 (3.7)
Tantalum-173	73	100 (3.7)
Tantalum-174	73	100 (3.7)
Tantalum-175	73	100 (3.7)
Tantalum-176	73	10 (.37)
Tantalum-177	73	1000 (37)
Tantalum-178	73	1000 (37)
Tantalum-179	73	1000 (37)
Tantalum-180	73	100 (3.7)
Tantalum-180m	73	1000 (37)
Tantalum-182	73	10 (.37)
Tantalum-182m	73	1000 (37)
Tantalum-183	73	100 (3.7)
Tantalum-184	73	10 (.37)
Tantalum-185	73	1000 (37)
Tantalum-186	73	1000 (37)
Technetium-101	43	1000 (37)
Technetium-104	43	1000 (37)
Technetium-93	43	100 (3.7)
Technetium-93m	43	1000 (37)
Technetium-94	43	10 (.37)
Technetium-94m	43	100 (3.7)
Technetium-96	43	10 (.37)
Technetium-96m	43	1000 (37)
Technetium-97	43	100 (3.7)
Technetium-97m	43	100 (3.7)
Technetium-98	43	10 (.37)
Technetium-99	43	10 (.37)
Technetium-99m	43	100 (3.7)
Tellurium-116	52	1000 (37)
Tellurium-121	52	10 (.37)
Tellurium-121m	52	10 (.37)
Tellurium-123	52	10 (.37)
Tellurium-123m	52	10 (.37)
Tellurium-125m	52	10 (.37)
Tellurium-127	52	1000 (37)
Tellurium-127m	52	10 (.37)
Tellurium-129	52	1000 (37)
Tellurium-129m	52	10 (.37)
Tellurium-131	52	1000 (37)
Tellurium-131m	52	10 (.37)
Tellurium-132	52	10 (.37)
Tellurium-133	52	1000 (37)
Tellurium-133m	52	1000 (37)
Tellurium-134	52	1000 (37)
Terbium-147	65	100 (3.7)
Terbium-149	65	100 (3.7)
Terbium-150	65	100 (3.7)
Terbium-151	65	10 (.37)
Terbium-153	65	100 (3.7)
Terbium-154	65	10 (.37)
Terbium-155	65	100 (3.7)
Terbium-156	65	10 (.37)
Terbium-156m (24.4 hr)	65	1000 (37)
Terbium-156m (5.0 hr)	65	1000 (37)
Terbium-157	65	100 (3.7)
Terbium-158	65	10 (.37)
Terbium-160	65	10 (.37)
Terbium-161	65	100 (3.7)
Thallium-194	81	1000 (37)
Thallium-194m	81	100 (3.7)
Thallium-195	81	100 (3.7)
Thallium-197	81	100 (3.7)
Thallium-198	81	10 (.37)
Thallium-198m	81	100 (3.7)
Thallium-199	81	100 (3.7)
Thallium-200	81	10 (.37)
Thallium-201	81	1000 (37)
Thallium-202	81	10 (.37)
Thallium-204	81	10 (.37)
Thorium (Irradiated)	90	***
Thorium (Natural)	90	**
Thorium-226	90	100 (3.7)
Thorium-227	90	1 (.037)
Thorium-228	90	0.01 (.00037)
Thorium-229	90	0.001 (.000037)
Thorium-230	90	0.01 (.00037)
Thorium-231	90	100 (3.7)
Thorium-232 **	90	0.001 (.000037)
Thorium-234	90	100 (3.7)
Thulium-162	69	1000 (37)
Thulium-166	69	10 (.37)
Thulium-167	69	100 (3.7)
Thulium-170	69	10 (.37)
Thulium-171	69	100 (3.7)
Thulium-172	69	100 (3.7)
Thulium-173	69	100 (3.7)
Thulium-175	69	1000 (37)
Tin-110	50	100 (3.7)
Tin-111	50	1000 (37)
Tin-113	50	10 (.37)
Tin-117m	50	100 (3.7)
Tin-119m	50	10 (.37)
Tin-121	50	1000 (37)
Tin-121m	50	10 (.37)
Tin-123	50	10 (.37)
Tin-123m	50	1000 (37)
Tin-125	50	10 (.37)
Tin-126	50	1 (.037)
Tin-127	50	100 (3.7)
Tin-128	50	1000 (37)
Titanium-44	22	1 (.037)
Titanium-45	22	1000 (37)
Tungsten-176	74	1000 (37)

(1)—Radionuclide	(2)—Atomic Number	(3)—Reportable Quantity (RQ) Ci (TBq)
Tungsten-177	74	100 (3.7)
Tungsten-178	74	100 (3.7)
Tungsten-179	74	1000 (37)
Tungsten-181	74	100 (3.7)
Tungsten-185	74	10 (.37)
Tungsten-187	74	100 (3.7)
Tungsten-188	74	10 (.37)
Uranium (Depleted)	92	***
Uranium (Irradiated)	92	***
Uranium (Natural)	92	**
Uranium Enriched 20% or greater	92	***
Uranium Enriched less than 20%	92	***
Uranium-230	92	1 (.037)
Uranium-231	92	1000 (37)
Uranium-232	92	0.01 (.00037)
Uranium-233	92	0.1 (.0037)
Uranium-234 **	92	0.1 (.0037)
Uranium-235 **	92	0.1 (.0037)
Uranium-236	92	0.1 (.0037)
Uranium-237	92	100 (3.7)
Uranium-238 **	92	0.1 (.0037)
Uranium-239	92	1000 (37)
Uranium-240	92	1000 (37)
Vanadium-47	23	1000 (37)
Vanadium-48	23	10 (.37)
Vanadium-49	23	1000 (37)
Xenon-120	54	100 (3.7)
Xenon-121	54	10 (.37)
Xenon-122	54	100 (3.7)
Xenon-123	54	10 (.37)
Xenon-125	54	100 (3.7)
Xenon-127	54	100 (3.7)
Xenon-129m	54	1000 (37)
Xenon-131m	54	1000 (37)
Xenon-133	54	1000 (37)
Xenon-133m	54	1000 (37)
Xenon-135	54	100 (3.7)
Xenon-135m	54	10 (.37)
Xenon-138	54	10 (.37)
Ytterbium-162	70	1000 (37)
Ytterbium-166	70	10 (.37)
Ytterbium-167	70	1000 (37)
Ytterbium-169	70	10 (.37)
Ytterbium-175	70	100 (3.7)
Ytterbium-177	70	1000 (37)
Ytterbium-178	70	1000 (37)
Yttrium-86	39	10 (.37)
Yttrium-86m	39	1000 (37)
Yttrium-87	39	10 (.37)
Yttrium-88	39	10 (.37)
Yttrium-90	39	10 (.37)
Yttrium-90m	39	100 (3.7)
Yttrium-91	39	10 (.37)
Yttrium-91m	39	1000 (37)
Yttrium-92	39	100 (3.7)
Yttrium-93	39	100 (3.7)
Yttrium-94	39	1000 (37)
Yttrium-95	39	1000 (37)
Zinc-62	30	100 (3.7)
Zinc-63	30	1000 (37)
Zinc-65	30	10 (.37)
Zinc-69	30	1000 (37)
Zinc-69m	30	100 (3.7)
Zinc-71m	30	100 (3.7)
Zinc-72	30	100 (3.7)
Zirconium-86	40	100 (3.7)
Zirconium-88	40	10 (.37)
Zirconium-89	40	100 (3.7)
Zirconium-93	40	1 (.037)
Zirconium-95	40	10 (.37)
Zirconium-97	40	10 (.37)

$ The RQs for all radionuclides apply to chemical compounds containing the radionuclides and elemental forms regardless of the diameter of pieces of solid material.

† The RQ of one curie applies to all radionuclides not otherwise listed. Whenever the RQs in TABLE 1--HAZARDOUS SUBSTANCES OTHER THAN RADIONUCLIDES and this table conflict, the lowest RQ shall apply. For example, uranyl acetate and uranyl nitrate have RQs shown in TABLE 1 of 100 pounds, equivalent to about one-tenth the RQ level for uranium-238 in this table.

** The method to determine the RQs for mixtures or solutions of radionuclides can be found in paragraph 6 of the note preceding TABLE 1 of this Appendix. RQs for the following four common radionuclide mixtures are provided: radium-226 in secular equilibrium with its' daughters (0.053 curie); natural uranium (0.1 curie); natural uranium in secular equilibrium with its' daughters (0.052 curie); and natural thorium in secular equilibrium with its' daughters (0.011 curie).

*** Indicates that the name was added by RSPA because it appears in the list of radionuclides in 49 CFR 173.435. The reportable quantity (RQ), if not specifically listed elsewhere in this Appendix, shall be determined in accordance with the procedures in Paragraph 6 of this Appendix.

§ 172.203 [Amended]

5. In § 172.203(c)(1)(iii), remove the words "EP toxicity" and add, in their place, "Toxicity".

§ 172.324 [Amended]

6. In § 172.324(a)(3), remove the words "EP toxicity" and add, in their place, "Toxicity".

Issued in Washington, DC on November 1, 1990, under authority delegated in 49 CFR part 1.

Travis P. Dungan,

Administrator, Research and Special Programs Administration.

[FR Doc. 90-26260 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 55, No. 216
Wednesday, November 7, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-90-27]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previoulsy received. The purpose of this notice is to improve the public's awareness of, and participation in this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petititions received must identify the petition docket number involved and must be received on or before January 7, 1991.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulated docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Ida Klepper (202) 267-9688.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on October 31, 1990.

Denise Donohue Hall,

Manager, Program Management Staff Office of the Chief Counsel.

Petitions for Rulemaking

Docket No.: 25759.

Petitioner: Air Transport Association of America and Regional Airline Association.

Regulations Affected: 14 CFR 1.1 and 121.586.

Description of Petition: To redefine the terms "handicapped person" and "qualified handicapped person"; authorize certificate holders to limit the numbers of qualified handicapped persons on any given flight; authorize certificate holders to require compliance with advance notice requirements if a person will need extensive special assistance from the air carrier; and authorize the certificate holder to restrict seating assignments under specified conditions.

Disposition: Denied, October 18, 1990.

[FR Doc. 90-26164 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-CE-50-AD]

Airworthiness Directives; Airship Industries Skyship Model 600 Airships

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) that is applicable to Airship Industries Skyship Model 600 airships. The proposed action would require the installation of a modified ignition controil unit. An incident has been reported where dual engine failure occurred when the ignition control units were exposed to high intensity radiated fields (HIRF). This action will minimize the possibility of engine failure caused by HIRF, and the resulting possible loss of control of the airship in adverse wind conditions.

DATES: Comments must be received on or before December 28, 1990.

ADDRESSES: Service Bulletin REF 600-74-314, Revision 1, dated June 5, 1990, applicable to this AD, may be obtained from Airship Industries (UK) Limited, Manager, Technical Publications, Shortstown, Bedford, MK42 OTF, England; Telephone (44-234) 741901; Facsimile (44-234) 740190; or Airship Industries USA, Inc., Engineering Manager, Route 4, Box 109, Elizabeth City, North Carolina 27909; Telephone (919) 330-5511; Facsimile (919) 330-4241. This information may also be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-50-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Aircraft Certification Staff, Europe Africa, and Middle East Office, FAA, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Small Airplane Directorate, Aircraft Certification Service, FAA; 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90–CE–50–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

During operation of a U.S. registered Skyship Model 600 airship in the vicinity of a Voice of America (VOA) transmitting antenna, both engines of the airship lost power. The flight crew followed the appropriate emergency procedures and, after a period of free balloon flight, successfully executed an unpowered landing into a suitable landing area. The airship suffered some damage during the landing. Subsequent investigation revealed that a resistor in the engine ignition control unit of each engine has burned out as a result of voltage induced into the system from the high intensity radiated fields (HIRF) of the VOA antenna.

In addition to this reported accident, the Civil Aviation Authority of the United Kingdom (CAA-UK), which is the airworthiness authority for the UK, notified the FAA that an unsafe condition may exist on these Airship Industries Skyship Model 600 airships. The CAA-UK advises that the ignition control units could fail when exposed to radio frequency interference and engine failure could result. Airship Industries issued Service Bulletin (SB) REF 600–74–314, Revision 1, dated June 5, 1990, which prescribes the replacement of the ignition control unit (MOD 1 or MOD 2) with ignition control unit MOD 3 that incorporates Modification 938 to the ignition control unit. Modification 938 is a design incorporated into MOD 3 that reduces susceptibility to HIRF. The CAA-UK classified this SB as mandatory and issued CAA-UK AD 016–06–90 to require the installation of a MOD 3 ignition control unit. These airships are manufactured in the United Kingdom and are type certificated for operation in the United States. Under the provisions of a bilateral airworthiness agreement, the CAA-UK has shared this information with the FAA.

The FAA has examined the findings of the CAA-UK, reviewed all available information, and determined that AD action is necessary for products of this type design, certificated for operation in the United States. Consequently, the FAA is proposing an AD that would require the installation of the MOD 3 ignition control unit as described in SB REF 600–74–314, Revision 1, dated June 5, 1990, on Airship Industries Limited Skyship Model 600 airships.

The FAA has determined that there are 3 airships affected by the proposed AD. There is no cost in obtaining the improved ignition control units because of an exchange program with Airship Industries as described in SB REF 600–74–314, Revision 1, dated June 5, 1990. It will take approximately 3 hours to install these improved ignition control units at $40 per hour for a total cost of $120 per airship. A small entity would have to own 31 of the affected airships to incur a significant cost impact. Since there are only 3 airships affected by the proposed AD, no small entity would incur a significant cost impact.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

AUTHORITY: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Airship Industries: Docket No. 90–CE–50–AD.

Applicability: Skyship Model 600 airships (all serial numbers), certificated in any category.

Compliance: Required within the next 250 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent ignition control unit failure and subsequent total loss of engine power, accomplish the following:

(a) Remove all ignition control units, Part Number (P/N) ASI/L/80 Issue D MOD 1 and 2, and replace with P/N ASI/L/80 Issue E MOD 3 ignition control units, as described in Airship Industries Service Bulletin (SB) REF 600–74–314, Revision 1, dated June 5, 1990.

(b) Airships may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An alternate method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Aircraft Certification Staff, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone (322) 513.38.30; Facsimile (322) 230.68.99.

Note 1: The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Staff.

Note 2: All persons affected by this directive may obtain copies of the document referred to herein upon request to Airship Industries Limited, Manager, Technical Publications, Shortstown, Bedford, MK42 OTF, England; or Airship Industries USA, Inc., Engineering Manager, Route 4, Box 109, Elizabeth City, North Carolina 27909; Telephone (919) 330–5511; Facsimile (919) 330–4241; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on October 26, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–26282 Filed 11–6–90; 8:45 am]

BILLING CODE 4910–13–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095-AA04

Procedures for Transfers to Federal Records Centers

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: The National Archives and Records Administration is revising three aspects of 36 CFR 1228.152(e) relating to the transfer of records to Federal records centers.

The first revision to § 1228.152(e) will require that agencies attach folder title lists of box contents, or equivalent detailed records descriptions, to Standard Forms 135, Records Transmittal and Receipt, transmitting permanent records or unscheduled records which have been proposed for permanent retention on a pending SF 115 to the Federal records centers. This information will help to ensure the identification and preservation of archival records in the National Archives. Inclusion of a copy of this information with the SF 135 documenting the retirement of the records to the records center will increase NARA's assurance that the records will be properly preserved.

The second revision to § 1228.152(e) will restrict the transfer of permanent microform records to two records centers. Permanent microform records will only be accepted for storage at the Washington National Records Center in Suitland, Maryland, and the National Personnel Records Center—Civilian Personnel Records in St. Louis, Missouri. Microforms of temporary records will continue to be accepted at all centers.

The third revision to § 1228.152(e) will require agencies to submit an original and only one copy, rather than two copies, of SF 135 when proposing the transfer of records. Since agencies initially retain a copy of the SF 135 for filing purposes, NARA considers the second file copy to be superfluous and proposes to eliminate it. Agencies will continue to receive a final receipt copy of the SF 135 as provided in § 1228.152(g).

DATES: Written comments must be received by NARA no later than January 7, 1991.

ADDRESSES: Comments should be sent to Director, Policy and Program Analysis Division, National Archives and Records Administration (NAA), Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: John Constance or Nancy Allard at 202-501-5110 (FTS 241-5110).

SUPPLEMENTARY INFORMATION: Advance notice of the requirement for detailed box lists for permanent records was given in a July 2, 1985, memorandum for all agency records officers. The requirement has been in effect since that date at all Federal records centers. NARA now seeks to incorporate the requirement in its regulations. We are also proposing to require that agencies prepare detailed box lists for transfers of records that are scheduled for sampling or selecting files for permanent retention by the National Archives and for transfers of records for which the agency has implemented the sampling or selection technique specified in the agency records control schedule. A separate Standard Form 135 must be prepared for each accession in these categories.

36 CFR part 1230 contains very exacting temperature and humidity standards for storing permanent record microforms. Solid particles must be removed by mechanical filters from air supplied to housings or rooms used for archival storage, and gaseous impurities must be removed from the air by suitable washers or absorbers. In addition, 36 CFR part 1230 states that storage rooms must not be used for office space, working areas, or storage of other materials. In the past, some Federal records centers have stored permanent microforms in the same temperature and controlled vaults where permanent paper records were stored. NARA is now taking action to ensure that all permanent microforms are stored in vaults devoted exclusively to microform storage. The Washington National Records Center and the National Personnel Records Center—Civilian Personnel Records are the only records centers which have large storage vaults devoted exclusively to microform storage and which meet the stringent 36 CFR part 1230 storage specifications for permanent microforms.

A pilot project was conducted at the Washington National Records Center in 1989 to test the procedure for reducing the number of copies of SF 135 to be submitted when proposing the transfer of records. The project was announced in a January 26, 1989, memorandum to agency records officers. NARA did not receive any negative comments concerning the revised procedure and the success of the pilot project led NARA to seek to formally incorporate the change in its regulations.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1228

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1228 of chapter XII of title 36 of the Code of Federal Regulations as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. 2101-2111, 2901-2902, 3101-3107, 3301-3314.

2. Section 1228.152 is amended by revising paragraph (e) to read as follows:

§ 1228.152 Procedures for transfers to Federal records centers.

* * * * *

(e) Transfers to Federal records centers shall be preceded by the submission of Standard Form 135, Records Transmittal and Receipt.

(1) A separate accession number is required for each series of records listed on the Standard Form 135. An accession consists of records in one series that have the same disposition authority and disposition date.

(2) Standard Form 135 proposing the transfer of the following categories of records must be accompanied by a folder title list of box contents or equivalent detailed records descriptions, and each accession must be listed on a separate SF 135:

(i) Records scheduled for permanent retention;

(ii) Unscheduled records (if authorized for transfer by NARA in accordance with paragraph (a)(1)(i) of this section) which have been proposed for permanent retention on the pending SF 135;

(iii) Records which are scheduled for sampling or selecting files for permanent retention by the National Archives; and

(iv) Records for which the agency has implemented the sampling or selection technique specified in the agency records control schedule to separate permanent and disposable records.

(3) Permanent microforms from offices in the Washington, DC, area are stored at the Washington National Records Center. Permanent microforms from all other offices are stored at the National Personnel Records Center—Civilian

Personnel Records. Submit Standard Forms 135 proposing the transfer of permanent microforms to the appropriate center. (See 36 CFR 1230.22 for inspection requirements for microforms transferred to a Federal records center.)

(4) Agencies shall prepare an original and two copies of the Standard Form 135, retain one copy for filing purposes, and send the original and one copy to the Federal records center to arrive at least 10 workdays before the desired date of the records shipment. The records center will review the Standard Form 135 for completeness to determine the appropriateness of the transfer. If the transfer is approved, the records center may annotate block 6J of the Standard Form 135 with Federal records center shelf location where each accession will be stored. The Federal records center returns a copy of the Standard Form 135 to the agency indicating that the records may be transferred. This copy shall be placed in the first carton of the shipment when the records are shipped to the center.

* * * * *

Dated: October 24, 1990.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 90-26292 Filed 11-6-90; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3858-4]

Approval and Promulgation of Implementation Plans, Federal Assistance Limitations; State of Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule; withdrawal.

SUMMARY: USEPA is withdrawing its November 2, 1989, (54 FR 46271) proposal to impose Federal highway assistance limitations in Illinois pursuant to section 176(a) of the Clean Air Act (Act). USEPA originally proposed this action because of the State's failure to adopt and submit to USEPA an enhanced vehicle inspection and maintenance (I/M) program commensurate with the severity of the ozone problem in the Chicago area. On September 12, 1990, the Governor of Illinois signed legislation authorizing enhancements to the State's current I/M program.

ADDRESSES: Copies of all materials related to this action are available at the following address for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6036, before visiting the Region V Office.) U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Cheryl Newton, (312) 886-6081.

SUPPLEMENTARY INFORMATION: On November 2, 1989, (54 FR 46271), USEPA proposed to restrict highway funding assistance for Cook, Lake, Kane, and DePage Counties, Illinois. USEPA believed that, given the severity of the ozone problem in the Chicago area, an enhancement of the State's current I/M provisions [1] was a critical component of the "reasonable efforts" Illinois needed to make under section 176(a) of the Act to bring the Chicago area into attainment of the ozone National Ambient Air Quality Standards.

On September 12, 1990, the Governor of Illinois signed legislation establishing rules which enhance the State's current I/M program.[2] USEPA believes that the State's action in adopting these enhancements to its I/M program showed "good faith" in meeting the requirement of "reasonable efforts" under section 176(a) of the Act. USEPA is, therefore, withdrawing its November 2, 1989, proposal of Federal highway funding restrictions. Upon Illinois' submission of its enhanced I/M program, USEPA will rulemake in future **Federal Register** notice(s) on all provisions established by the September 12, 1990, legislation.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Environmental protection, Hydrocarbons, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401-7642.

[1] On October 4, 1990, (54 FR 40568), USEPA approved the provisions of Illinois' current I/M program, which were submitted by Illinois as part of its 1982 ozone and carbon monoxide State Implementation Plan. USEPA determined that those I/M emissions testing provisions satisfied all of the then current policy requirements required under section 172(b)(1)(B) of the Act.

[2] The legislation expands the geographic coverage of the I/M program to cover all of Cook and DuPage Counties and a substantial portion of Lake, Kane, and Will Counties. It adds to the program an anti-tampering inspection of the catalytic converter, fuel inlet restrictor, and gas cap of each subject vehicle. The anti-tampering program begins in July 1991 within the existing I/M program area, and both emissions testing and the anti-tampering inspection of vehicles in the expanded areas begin in January 1992. The legislation also modifies the original I/M program by exempting new vehicles from the program for 3 years. It then requires biennial inspections until a vehicle is older than 7 years. At this point, an annual inspection is required.

Dated: October 29, 1990.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 90-26317 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3858-3]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking; withdrawal.

SUMMARY: On July 28, 1982, (47 FR 32742), USEPA proposed to conditionally approve Minnesota Rule APC-41, Offset Rule, as a revision to the Minnesota State Implementation Plan (SIP). This action was based on a revision request submitted by Minnesota on December 22, 1981. Minnesota subsequently revised this rule. Therefore, on August 21, 1990, the State withdrew the December 22, 1981, version of the rule from further Federal rulemaking. Based on the State's withdrawal, USEPA today is withdrawing its July 28, 1982, proposed action on the revision.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, Minnesota Regulatory Specialist (312) 353-3849.

Authority: 42 U.S.C. 7401-7642.

Dated: October 30, 1990.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 90-26316 Filed 11-6-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[EPA/OSW-FR-90-FFF SWH-FRL-3858-2]

RIN 2050-AA78

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On March 29, 1990, EPA promulgated revisions to the toxicity characteristic, one of the methods used to identify waste requlated as hazardous under subtitle C of the Resource Conservation and Recovery Act (RCRA). Since the promulgation of the Toxicity Characteristic (TC), the Agency

has received information that immediate application of the rule, under certain circumstances, may prevent continued operation of hydrocarbon recovery activities currently being conducted at a number of petroleum refineries, marketing terminals or bulk plants handling crude petroleum and immediate products of petroleum refining. These operations recover free-floating hydrocarbons from a contaminated aquifer directly below the facility and, as part of the recovery, return the contaminated ground water via underground injection wells or infiltration galleries into the same aquifer from which it was withdrawn. Under ground injection control (UIC) wells are classified and regulated by EPA and States which have been granted primacy under authorities of the Safe Drinking Water Act (SDWA). Immediate application or requirements imposed by the TC for these operations could substantially change the regulatory status of the operations under both RCRA and the Safe Drinking Water Act (SDWA), causing, at a minimum, disruption of the recovery operations discussed above due to lack of necessary authorizations to operate under the (SDWA) and the Resource Conservation and Recovery Act (RCRA). Of particular concern to the Agency is that cessation of these activities may pose a substantially greater risk to human health and the environment than continued operation under the regulatory authority which existed prior to the promulgation of the TC. As a result of this new information and to allow for careful consideration of all available information (including information not yet before the Agency) and regulatory options, the Agency is proposing to extend the compliance dates for TC requirements for these combined petroleum product recovery and ground water reinjection operations at petroleum refining facilities, marketing terminals or bulk plants for two years beyond the current January 25, 1991 date. In a recent **Federal Register** notice, EPA promulgated an interim final rule to extend the date for compliance with TC requirements for the operations specified for 120 days beyond the effective date of the TC for other facilities, making January 25, 1991 the relevant compliance date for these facilities. The interim final rule was promulgated to ensure that such operations were not required to cease before all available information could be solicited and evaluated via this notice. This proposed rule solicits additional information on all combined petroleum product recovery and ground water reinjection operations, and asks for public comment on the desirability of a continued deferral of the TC for two years in order to allow sufficient time to consider all of the relevant issues arising from these operations and options for their resolution. In addition, EPA solicits comments on ways of integrating the dual regulatory schemes imposed under the SDWA and RCRA for combined petroleum product recovery and ground water reinjection operations.

DATES: Comments must be submitted on or before December 24, 1990.

ADDRESSES: The public docket for this rulemaking is located at room M2427, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket number assigned to this notice is F-90-PRAS-FFFFF. Persons who wish to comment on the notice should place the docket number on their comments and provide an original and two copies. The EPA RCRA docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 475-9372. A maximum of 50 pages may be copied from any regulatory docket at no cost. Additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact the RCRA/Superfund Hotline at (800) 424-9346 toll free, or (202) 382-3000 in Washington, DC metropolitan area. For information on specific aspects of this notice, contact David Topping, Waste Identification Branch, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-4770.

SUPPLEMENTARY INFORMATION:

Outline of Today's Notice

I. Background

On March 29, 1990 (55 FR 11798), the Environmental Protection Agency (EPA) promulgated the Toxicity Characteristic to revise the existing EP toxicity characteristic. The Toxicity Characteristic (TC) is used to identify wastes which are defined as hazardous based on the waste's propensity to leach toxic constituents. If wastes exhibit the toxicity characteristic they are subject to the subtitle C (hazardous waste) requirements of the Resource Conservation and Recovery Act (RCRA).

In today's notice, the Agency is proposing to extend the compliance date required for wastes which exhibit the toxicity characteristic for two years for certain operations. These operations involve contaminated ground water reinjected or infiltrated during free product recovery operations at petroleum refining facilities, marketing terminals or bulk plants handling crude petroleum and immediate products of petroleum refining. EPA believes these operations are environmentally beneficial. Immediate application of the TC could, however, contribute to temporary or permanent cessation of such operations by reclassifying the status of the reinjected or infiltrated ground water as hazardous waste and the injection well or infiltration gallery as hazardous waste disposal units. The current regulatory scheme for authorizations under SDWA and RCRA will require time for authorizing actions under EPA and State authorities. If finalized as proposed, today's action would delay the compliance date for subtitle C requirements imposed as a result of the TC until January 25, 1993. The reinjected ground water would not be a Federal hazardous waste during the interim period.

This proposed extension of the compliance date for reinjected waters stems from new information that was brought to the attention of the Agency after the promulgation of the TC final rule. EPA is proposing an extended compliance date for the TC requirements for two years to allow time to solicit and evaluate all pertinent information and to develop and evaluate regulatory options. The Agency is seeking public comment on the issues raised in this notice and desirability of the extended compliance date.

A. Hydrocarbon Recovery Operations

Since the promulgation of the TC, the Agency has learned of potentially significant impacts of the rule on hydrocarbon recovery operations currently being conducted at a number of petroleum refineries, marketing terminals or bulk plants handling crude petroleum and immediate products of

petroleum refining. Due to past onsite spills or other releases, large quantities of free-floating and dissolved hydrocarbons are contained in the shallow aquifers beneath a number of facilities. Preliminary information available to the Agency suggests that at least 100 facilities are currently recovering free-floating petroleum hydrocarbons from aquifers. As discussed in more detail below, at least four of these facilities currently reinject contaminated ground water to facilitate recovery of usable petroleum products and one other has made commitments to begin doing so. Such facilities are the subject of today's notice. At one site, estimates indicate that between two and six million barrels of free-floating hydrocarbons rest on an aquifer beneath the property.

As a result of the discovery of aquifer contamination many of these facilities have taken action, in cooperation with State regulatory agencies, to remove the recoverable free-floating hydrocarbon product. While the individual operations differ in various ways, the operations of concern may have as many as three distinct phases. In such cases the first phase is removal/recovery of the free floating hydricarbons. The second and third phases, when present, address subsurface soil and ground water contamination respectively. It is the product recovery operation, as detailed below, that is of immediate concern to the Agency.

Free product recovery operations consist of pumping the free-floating hydrocarbon from the aquifer beneath the facility. Extensive recovery systems have been developed and built to implement the operation. Some of the operations involve two pumping systems. One pumping system is used to bring free product to the surface while the second reinjects contaminated ground water to facilitate the pumping of free product and prevent further migration of the contaminants in the aquifer. In five cases known to the Agency, ground water is (or will be) pumped from the aquifer to create a cone of depression in the ground water in which free hyrocarbon pools, facilitating recovery of the hydrocarbon and preventing further migration of contaminants. This pumped ground water, which contains high concentrations of dissolved hydrocarbon (particularly benzene) is returned to the aquifer via an injection well or through an infiltration gallery to contain the contamination and maintain the water table for purposes of the hydrocarbon recovery. The injection well would have been a SDWA Class V well prior to the effective date of the TC.

Due to the high quantities of dissolved hydrocarbon in the ground water, it may exhibit TC toxicity; therefore, its reinjection may be considered injection of a hazardous waste once such facilities are required to comply with the TC. In such a scenario, the current UIC Class V non-hazardous well may no longer be authorized, and the well's status may automatically become that of a Class IV well (injection of hazardous waste into or above an underground source of drinking water (USDW)). Operation of Class IV wells is restricted by statute and SDWA regulations; among other things, section 3020 of RCRA prohibits the injection of hazardous waste into or above an underground source of drinking water unless such injection is part of a cleanup under RCRA or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Such injection would also require RCRA and SDWA authorization.

The Agency recognizes that the use of infiltration galleries to contain the contamination plume is not exactly analogous to the use of an injection well for plume containment. However, the Agency currently lacks sufficient site-specific information on both the configuration and operational parameters of these infiltration galleries to enable it to distinguish between these galleries and reinjection wells and thus has decided to include both kinds of operations in today's proposed extension of the TC compliance date. The Agency is soliciting comment on both the configuration and operation of these infiltration galleries as well as information on whether they should be viewed as similar to reinjection systems.

II. Application of Existing Regulatory Framework

As described above, the operations of concern involve reinjection/infiltration of contaminated ground water into the aquifer. Under the current hazardous waste requirements which would be imposed via the TC, these activities (reinjection and/or infiltration of contaminated ground water) may constitute disposal of wastes exceeding the relevant regulatory level for benzene. Absent some measure providing relief, the materials may become hazardous wastes on January 25, 1991.

A. Regulatory Requirements of Concern

As described above, on January 25, 1991, the reinjection of ground water may be subject to the dual mandates of SDWA and RCRA (assuming the ground water exhibits the toxicity characteristic). If these facilities are to continue their current reinjection and infiltration operations with a hazardous waste, they will need to satisfy several regulatory requirements. First, to satisfy RCRA section 3020 and 40 CFR 144.13, the operations must be pursuant to a response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) or part of a corrective action under RCRA. Second, the injection operation must be authorized to operate as a hazardous waste management facility pursuant to either RCRA interim status or a RCRA permit. Finally, the injection well must be authorized under the SDWA. EPA is considering whether a Class IV UIC permit should be required, or whether the current part 144 regulations should be modified to explicitly authorize injection by rule.

RCRA section 3020 and SDWA regulations at 40 CFR 144.13 prohibit the injection of any hazardous waste into or above an USDW. One narrow exception to this general prohibition involves injections which are part of a remedial action pursuant to RCRA or CERCLA to clean up an aquifer. Such wells may operate only pursuant to a permit or other authorization under the SDWA or RCRA. Section 3020 requires that (1) There be substantial treatment of the hazardous constituents prior to the reinjection under this exception; (2) upon completion, the action is sufficient to protect human health and the environment, and (3) the cleanup must be undertaken pursuant to CERCLA or as part of a cleanup under RCRA authorities.

As the TC rule is a HSWA requirement, under section 3006(g) of RCRA, the new requirements take effect in authorized States at the same time that they take effect in unauthorized States. Until States are authorized to implement the TC, EPA will administer this portion of the hazardous waste program in both categories of States. In most cases these facilities would be managing a hazardous waste for the first time. Therefore, these newly regulated facilities would need to apply for interim status by notifying EPA under RCRA section 3010 and submitting Part A of their permit application. Such wells would also require either an authorization-by-rule or a UIC permit to satisfy 40 CFR 144.11.

Combined petroleum product recovery and ground water reinjection operations which inject hazardous waste directly into or above an USDW are also subject to requirements under the SDWA. To

minimize regulatory burdens arising from dual regulation under the SDWA and RCRA, 40 CFR 270.60(b) provides that if a unit has a UIC permit issued under Part 144 or 145 and meets other specified requirements, the facility is deemed to have a RCRA Subtitle C permit.

III. Issues Arising From Application of Regulatory Requirements

A. Environmental Considerations

According to comments received from potentially affected facilities, the immediate applicability of the TC to these operations could prohibit temporarily (if not permanently) the reinjection of ground water which, according to information submitted by facilities conducting the operations, is integral to the recovery operation.

Reinjection of the ground water serves several purposes, including causing the free-floating hydrocarbon to collect, thereby containing the source of contamination to faciliate pumping, and restricting the further migration of the contaminants within the aquifer. Without reinjection, the recovery process will take longer to complete, and there is a risk of further soil and ground water contamination.

According to facilities conducting the operations, it is not practicable or useful to introduce separate treatment of the contaminated ground water prior to reinjection during a recovery operation because once the ground water is returned to the aquifer it mixes and equilibrates with the remaining ground water and free-floating product. Thus any benefit of separate treatment of the contaminated ground water would be nullified as the reinjected ground water would quickly attain the same concentration of benzene that it had before pumping. The ground water will continue to seek equilibrium, resulting in the same high levels of benzene once returned to the aquifer, unless the source of contamination (*i.e.*, the free-floating product) is removed. Industry representatives have asserted that an additional effect of separate treatment prior to reinjection is that reinjecting treated ground water will gradually deplete the benzene and other hydrocarbon constituents present in the remaining hydrocarbons resulting in reduced quantities of product which may be recovered.

More generally and irrespective of the use of separate treatment of the contaminated ground water prior to reinjection, EPA believes that these hydrocarbon recovery systems (as the first phase of an overall remediation) can provide substantial treatment, within the meaning of RCRA section 3020, for the areas of contamination by effectively reducing the amount of free-floating hydrocarbons that can continue to contaminate ground water aquifers or surrounding soils. EPA solicits comments on this regulatory approach. EPA is also seeking comments on industry's assertion that separately treating the ground water prior to reinjecting it could result in reduced quantities of hydrocarbons available for recovery.

B. Regulatory and Timing Considerations

As discussed above, the paramount concern to the Agency is mitigating the potential for adverse environmental impacts while ensuring compliance with applicable regulatory requirements. These hydrocarbon recovery operations and the potential impacts of the TC on their continuation were not raised in comments to EPA during the public comment period on the proposed TC. If they had been, the Agency might have deferred application of the TC to these operations to provide additional time for such facilities as required to undertake activities necessary to achieve compliance with the TC.

After promulgation of the TC, industry raised its specific concern that the time required to apply for the necessary permits and obtain EPA approval for such activities would require cessation of combined petroleum product recovery and ground water reinjection operations until the regulatory requirements are clarified and in compliance with such requirements is achievable. EPA's initial evaluation of such arguments suggests that shutting down recovery operations for as little as four months may have four results: (1) Hydrocarbon recovery rates will be reduced significantly, thereby increasing total cleanup time; (2) off-site migration of free-floating hydrocarbons and soluble constitutents is more likely to occur; (3) "smearing" might occur, making hydrocarbon material more difficult to recover in the future; and (4) cessation of operations could force noncompliance with State orders to keep pumping.

As mentioned previously, at many of these sites, the recovery operation is being undertaken under State orders. These orders generally recognize the need for removal of recoverable hydrocarbons prior to beginning ground water remediation; immediate application of the TC to these operations could result in industry actions contrary to carefully negotiated actions required by States with little apparent environemtal benefit. Furthermore, industry has asserted that designation of the ground water as a hazardous waste would trigger other State requirements that have a greater potential to cause delay than those imposed by Federal requirements. EPA is soliciting examples of such requirements and comment on this assertion.

Even with rules which seek to minimize the effects of dual regulation in place, issuance of needed SDWA and RCRA permits and/or orders under the current scheme may be both time consuming and potentially involve actions at both the State and Federal levels. Regardless of the route chosen, the permitting process is expected to take from six months to two years. Furthermore, if EPA determines it appropriate to modify rules governing permit procedures for these sites, that action would also require additional time for facilities to seek proper authorization. Finally, EPA does not currently have definitive information as to the number of recovery facilities affected by the TC and thus the number of permits/orders that may be required to allow continued operation; the 2-year extension is designed to address this additional unknown.

IV. Request for Comments

As a result of this new information, and to allow for careful consideration of all the relevant information, issues, and regulatory options, the Agency is proposing to extend the compliance date for requirements imposed as a result of promulgation of the TC for two years for petroleum refining facilities, marketing terminals, or bulk plants handling crude petroleum and immediate products of petroleum refining which are engaged in combined petroleum product recovery and ground water reinjection/infiltration systems. The interim final rule published in a recent **Federal Register** notice will allow continuation of such operations already in existence until January 25, 1991. This proposed rule will provide time for individuals to submit comments on the various issues raised in this proposal, and for the Agency to consider all available information and alternatives concerning these operations. Specifically, the Agency is seeking public comment on: (1) The regulatory interface between RCRA and SDWA; (2) the potential effects and time required to comply with the regulatory requirements newly imposed by promulgation of the TC and the potential reclassification of the contaminated ground water as a hazardous waste; and (3) all other issues raised in or presented by this notice.

Of particular importance to the Agency is information regarding the

scope of the universe of facilities which may fall within the extension proposed today. Identification of specific facilities, as well as types and any concentration of locations of facilities which are conducting hydrocarbon recovery operations or which plan to do so in the future will be helpful to the Agency in assessing the best long term solution for the issues presented by the operations. Further information regarding technical details of hydrocarbon recovery operations, how they differ from each other, and which elements are critical to such operations would also be of value in assessing whether to finalize today's proposed extension of the TC compliance date for affected facilities, as well as whether this extension is justifiable on environmental grounds.

V. State Authorization

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. Following authorization, EPA retains enforcement authority under sections 3008, 3013, and 7003 of RCRA, although authorized States have primary enforcement responsibility. The standards and requirements for authorization are found in 40 CFR part 271.

Prior to HSWA, a State with final authorization administered its hazardous waste progam in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law. In contrast, under RCRA section 3006(g) (42 U.S.C. 6926(g)), new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out these requirements and prohibitons in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, HSWA applies in authorized States in the interim.

B. Effect on State Authorizations

If today's proposed rule is finalized, EPA will implement its provisions in authorized States until their programs are modified to adopt the final toxicity characteristic and the modification is approved by EPA. Implementation of today's proposed rule, if finalized, beyond the date of a State's receiving final authorization for the toxicity characteristic depends upon actions taken by the State, as discussed below. EPA will implement the provisions of today's proposal (if finalized) in unauthorized States.

Today's proposed rule would extend the compliance date for requirements imposed in the final Toxicity Characteristic regulation (*see* 55 FR 11798, March 29, 1990) for certain hydrocarbon recovery operations. The Toxicity Characteristic was promulgated pursuant to a HSWA provision and must be adopted by States which intend to retain final authorization. However, today's rule proposes to provide, for a limited period of time, a less stringent standard for certain hydrocarbon recovery operations than would be imposed in the final Toxicity Characteristic. In order to promote environmentally beneficial hydrocarbon recovery operations, today's proposal provides that these wastes would not be hazardous wastes under the Federal regulations until January 25, 1993, and States would not be required to mandate their management as such in order to retain their RCRA authorization. However, Section 3009 of RCRA provides that States may impose more stringent requirements than those imposed under Federal regulations. States, whether using RCRA authorities (*e.g.*, authorities under State law where States have received final authorization to implement the toxicity characteristic provisions in lieu of their implementation by EPA), or other State authorities under other statues, may impose hazardous waste requirements on such operations, or may require other more stringent conditions upon management of these wastes.

VI. Regulatory Requirements

A. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major," and therefore subject to the requirement of a Regulatory Impact Analysis. The overall effect of today's rule, if finalized, would be to extend the compliance date for requirements imposed by the final Toxicity Characteristic rule for certain limited hydrocarbon recovery operations. No sampling or analysis requirements are proposed in today's rule. The net effect of this proposal, if finalized, would be to extend cost savings to certain segments of the regulated community. Consequently, no regulatory impact analysis is required.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a General Notice of Rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the Agency certified that the rule will not have a significant impact on a substantial number of small entities.

The extenstion of the compliance date for the Toxicity Characteristic requirements proposed for certain limited hydrocarbon recovery activities in this rule is deregulatory in nature and thus will only provide beneficial opportunities for entities that may be affected by the rule. Accordingly, I hereby certify that this regulation will not have a significant economic impact of substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

C. Paperwork Reduction Act

There are no reporting, notification, or recordkeeping (information) provisions proposed in this rule. Such provisions, were they included, would be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 261

Hazardous Waste.

Dated: October 31, 1990.

William K. Reilly,

Administrator.

For reasons set out in the preamble, it is proposed to amend chapter I of title 40 of the CFR as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. It is proposed to amend § 261.4 by revising paragraph (b)(11) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *

(11) Ground water that exhibits the Toxicity Characteristic in § 261.24 of this part that is reinjected or infiltrated pursuant to hydrocarbon recovery operations undertaken at petroleum refineries, and marketing terminals or bulk plants handling crude petroleum and immediate products of petroleum refining until January 25, 1993.

* * * * *

[FR Doc. 90-26319 Filed 11-6-90; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 90

[PR Docket No. 90-481, RM-6910, FCC 90-344]

Construction, Licensing, and Operation of Private Land Mobile Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to modify several compliance and licensing rules in the Private Land Mobile Radio Services. First, the Commission proposes to reduce the period in which a licensee can reinstate an expired license. Second, the Commission would establish a finder's preference to provide an incentive for individuals to provide information that leads to channel recovery. Finally, the Commission proposes to clarify rules concerning automatic cancellation of licenses. The Commission expects its proposed rule changes to ensure the accuracy of the licensing data base, to expedite reassignment of channels for which the license has expired, and to make more channels available to applicants wishing to be licensed on scarce frequencies.

DATES: Comments must be submitted on or before December 24, 1990 and reply comment on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Irene Bleiweiss, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, PR Docket No. 90-481 adopted on October 11, 1990 and released November 1, 1990. The full text of the Notice is available for inspection and copying during normal business hours in the FCC Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch (room 5202), 2025 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800.

The collection of information requirement contained in proposed rule 90.173(k) has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857-3800. Persons wishing to comment on this information collection should contact Bruce McConnell, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-3785. A copy of any comments should also be sent to the Federal Communications Commission, Office of the Managing Director, Washington, DC 20554. For further information contact Judy Boley, Federal Communications Commission, (202) 632-7513.

OMB number: None.

Title: Proposed 47 CFR 90.173(k), Construction, Licensing and Operation of Private Land Mobile Radio Stations (Notice of Proposed Rule Making in PR Docket No. 90-481).

Action: New collection.

Respondents: Businesses (including small businesses), non-profit institutions, local governments.

Frequency of response: On occasion.

Estimated annual burden: 200 responses; 4.5 hours average burden per response; 900 hours total.

Needs and Uses: Persons who provide the Commission with information that a current licensee is violating certain Rules would be granted a licensing preference for any channels recovered as a result of that information. This will aid the Commission's compliance program and make effective use of scarce radio spectrum.

Summary of Notice of Proposed Rule Making

The Commission proposes to modify several compliance and licensing rules in the Private Land Mobile Radio Services. First, the Commission proposes to reduce the period in which a licensee can reinstate an expired license. The current reinstatement period of six months would be reduced to 90 days or less. To make it easier for licensees to reinstate, the Commission proposes to permit licensees to file for reinstatement on the Forms 574-R and 405-A, as well as the Form 574 which is currently required. These proposals aim to make channels available for reassignment quicker, when the license has expired. Second, the Commission would establish a finder's preference. Under this preference, persons who provide sufficient information to the Private Radio Bureau's Compliance Branch would be first in line for any channels recovered. The Notice of Proposed Rule Making contains explicit standards that the finder's preference request must meet. The preference would be available only on channels that can be licensed on an exclusive basis and only for reported violations of construction, loading, slow-growth, and continued operation rules. The purpose of the finder's preference is to uncover violations of which the Commission may not have learned, to recover and reassign these channels, and to give the public an incentive to provide the Commission with compliance information. Finally, the Commission proposed to clarify its rules concerning automatic cancellation of licenses. Licenses cancel automatically if the licensee permanently discontinues operations, *i.e.*, ceases operations for a period of one year. Licenses also cancel automatically if the licensee constructs but does not place the station in operation by the construction deadline.

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Construction, loading, Assignment of frequencies, License renewal, License reinstatement, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Proposed Rules

PART 1—[AMENDED]

A. 47 CFR part 1 is proposed to be amended as follows:

1. The authority citation for part 1 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303; Implement, 5 U.S.C. 552, unless otherwise noted.

2. 47 CFR 1.926 is amended by adding a new paragraph (c) to read as follows:

§ 1.926 **Application for renewal of license.**

* * * * *

(c) Reinstatement of an expired license in the Private Land Mobile Radio Services may be required up to ninety (90) days after the expiration date using FCC Form 574, 574–R or 405–A.

PART 90—[AMENDED]

B. 47 CFR part 90 is proposed to be amended as follows:

1. The authority citation for part 90 continues to read as follows:

Authority: Sections 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. 47 CFR 90.119 is amended by adding new paragraph (a)(5) and by revising paragraphs (e)(1) and (h) to read as follows:

§ 90.119 Application forms.

(a) * * *

(5) For reinstatement of an expired license. See also paragraphs (e)(1) and (h) of this section.

* * * * *

(e) * * *

(1) Apply for a renewal or reinstatement without modification of a station or system license when the licensee has not received renewal Form 574–R in the mail from the Commission within sixty (60) days of license expiration.

* * * * *

(h) Form 574–R shall be used to apply for renewal or reinstatement of an existing authorization without modification of the station or system license. (Form 574–R is generated by the Commission and mailed to the license prior to the expiration of the license term.)

3. 47 CFR 90.127 is amended by adding a last sentence to paragraph (b) to read as follows:

§ 90.127 Submission and filing of applications.

* * * * *

(b) * * * Applictions for reinstatement must be filed no later than ninety (90) days after the expiration date of the license.

* * * * *

4. 47 CFR 90.149 is amended by redesignating existing paragraph (b) as paragraph (c) and adding a new paragraph (b) to read as follows:

§ 90.149 License term.

* * * * *

(b) If no application for renewal or reinstatement has been filed as specified in this Part, the authorization shall be deemed to have automatically cancelled on the date specified on the authorization.

* * * * *

5. 47 CFR 90.155 is amended by adding a new paragraph (c) to read as follows:

§ 90.155 Time in which station must be placed in operation.

* * * * *

(c) For purposes of this section, a base station is not considered operational unless associated mobile stations are also operational.

6. 47 CFR § 90.157 is amended by revising paragraph (a) _____, by removing paragraph (b) and redesignating paragraph (c) as paragraph (b) to read as follows:

§ 90.157 Discontinuance of station operation.

(a) The license for a station shall cancel automatically upon permanent discontinuance of operations and the licensee shall forward the station license to the Commission. Alternatively, the licensee may notify the Commission of the closure or discontinuance of operations of the station by checking the appropriate box on Form 574–R or Form 405–A and requestng license cancellation. Notification of discontinued operation or cancellation shall be sent to the Federal Communications Commission, Gettysburg, Pennsylvania 17325.

* * * * *

7. 47 CFR 90.173 is amended by adding a new paragraph (k) to read as follows:

§ 90.173 Policies governing the assignment of frequencies.

* * * * *

(k) Notwithstanding any other provisions of this Part, any person may seek a preference for a channel assignment in the 220–222 MHz, 470–512 MHz, and 800–900 MHz bands (except for frequencies in the Specialized Mobile Radio Service Category and the one-way paging frequencies in the 929–930 MHz band) by submitting information that ultimately results in the recovery of frequencies in these bands because an existing licensee has failed to comply with the provisions of §§ 90.155, 90.157, 90.313, 90.629, 90.631 and 90.633 of this Part. The preference request shall be clearly marked "Request for Finder's Preference", addressed to the Chief, Compliance Branch, Private Radio Bureau, Washington, DC 20554 and sent by Certified Mail. The request shall contain detailed information to establish a *prima facie* violation, including: (1) The name and address of the licensee alledgely violating the applicable rules; (ii) the licensee's call sign, frequencies and location of the licensed facility; (iii) the Commission Rule(s) that the licensee is allegedly violating, including the dates or benchmarks the licensee has failed to meet; and (iv) a detailed statement as to the specific basis for the applicant's knowledge that the licensee is violating the rules specified in this section. General and conclusory statements shall result in the summary dismissal of any such request. All preference requests shall be dated and subscribed by the person as true under penalty of perjury as set forth in § 1.16 of this Chapter. The preference provided for in this subsection may also be awarded to any person who arranges for an existing licensee to request license cancellation voluntarily. The preference provided for in this subsection shall not apply to any construction or loading case that is scheduled to come up for regular review during the Private Radio Bureau's normal compliance activities or to a case already under review. This preference shall not be used to accomplish the assignment of a license of an unconstructed station.

8. 47 CFR 90.175 is amended by revising the introductory text to read as follows:

§ 90.175 Frequency coordination requirements.

Except for applications listed in paragraph (f) of this section, each application for a new frequency assignment, for a change in existing facilities as listed in § 90.135(a), or for operation at temporary locations in accordance with § 90.137, must include a showing of frequency coordination as set forth below. Application to renew or reinstate a license expired for more than 90 days will be considered as a request for a new frequency assignment. When frequencies are shared by more than one service, concurrence must be obtained from the other applicable certified coordinators.

* * * * *

9. 47 CFR 90.631 is amended by adding a last sentence to paragraph (f) to read as follows:

§ 90.631 Trunked systems loading, construction and authorization requirements.

* * * * *

(f) * * * For purposes of this section, a base station is not considered operational unless associated mobile stations are also operational.

* * * * *

10. 47 CFR 90.633 is amended by revising paragraph (d) to read as follows:

§ 90.633 Conventional systems loading requirements.

* * * * *

(d) If a station is not placed in permanent operation in eight months, except as provided in § 90.629, its license cancels automatically and must be returned to the Commission. For purposes of this section, a base station is not considered operational unless associated mobile stations are also operational.

* * * * *

[FR Doc. 90-26337 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-493, RM-7429]

Radio Broadcasting Services; Pine Bluff and Maumelle, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed on behalf of Southern Starr of Arkansas, Inc., licensee of Station KOLL-FM, Channel 235C, Pine Bluff, Arkansas, seeking to change the community of license for Channel 235C from Pine Bluff to Maumelle, Arkansas, and to modify its license accordingly. Coordinates used for this proposal are 34-26-31 and 93-13-03.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Ashton R. Hardy, Bradford D. Carey, and Majorie R. Esman, Esqs., Walker, Bordelon, Hamlin, Theriot and Hardy, 701 South Peters Street, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-493, adopted October 1, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26252 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-492, RM-7438]

Radio Broadcasting Services; Baldwyn, MS

AGENCY: Federal Communicatons Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Magnolia Communications Corp., proposing the substitution of FM Channel 223A for Channel 240A at Baldwyn, Mississippi, and modification of the license for Station WESE. The coordinates for Channel 223A are 34-24-57 and 88-41-08.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Magnolia Communications Corp., P.O. Box 2439, Tupelo, Mississippi 38803

James A. Koerner, Baraff, Koerner, Olender & Hochberg, P.C., 2033 M Street, NW., suite 700, Washington, DC 20036-3355 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-492, adopted October 3, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisons of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contracts. For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26253 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-490, RM-7394]

Radio Broadcasting Services; Fort Ann, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Harvest Broadcasting Services seeking the allotment of Channel 253A to Fort Ann, New York, as the community's first local FM service. Channel 253A can be allotted to Fort Ann in compliance with the Commission's minimum distance separation requirements with respect to all domestic allotments without the imposition of a site restriction. However, the allotment at Fort Ann would be approximately 24 kilometers short-spaced to Station CIEL-FM, Channel 253C1 at Longueuil, Quebec, Canada. Since we have confirmed that there will

be no prohibited overlap between the proposed Channel 253A allotment at Fort Ann and Station CIEL–FM at Longueuil, we will request Canadian concurrence in the allotment as a specially negotiated allotment. The coordinates for Channel 253A at Fort Ann are North Latitude 43–24–51 and West Longitude 73–29–17.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian Dodge, Harvest Broadcasting Services, RFD 3 Rt. 16N, Dover, New Hampshire 03820 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–490, adopted September 28, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–26251 Filed 11–6–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–491, RM–7387]

Radio Broadcasting Services; Wisconsin Dells, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Armada Broadcasting Company, Inc., proposing the substitution of FM Channel 295A for Channel 296A at Wisconsin Dells, Wisconsin, and modification of the license for Station WNNO–FM to specify Channel 295A. The coordinates for Channel 295A are 43–36–50 and 89–36–26.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Cary S. Tepper, Putbrese, Hunsaker & Ruddy, 6800 Fleetwood Road, suite 100, P.O. Box 539, McLean, Virginia 22101, (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–491, adopted October 3, 1990, and released November 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–26254 Filed 11–6–90; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–486, RM–7379]

Radio Broadcasting Services; Asbury, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document request comments on a petition filed by William Bruce Wachter proposing the allotment of FM Channel 278A to Asbury, Missouri, as that community's first FM broadcast service. The coordinates for Ghannel 278A are 37–16–24 and 94–36–24.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lauren A. Colby, 10 E. Fourth Street, P.O. Box 113, Frederick, Maryland 21701 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No 90–486, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchaed from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26339 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-488, RM-7395]

Radio Broadcasting Services; Woodsville, NH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Harvest Broadcasting Services seeking the allotment of Channel 249A to Woodsville, New Hampshire, as the community's first local FM service. Channel 249A can be allotted to Woodsville in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.4 kilomenters (0.3 miles) southeast to avoid prohibited interference to Station CHOM-FM, Channel 249C1, Montreal, Quebec, Canada. The coordinates for this allotment are North Latitude 44-08-37 and West Longitude 72-02-00. Canadian concurrence in the allotment at Woodsville is required.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian Dodge, Harvest Broadcasting Services, RFD 3 Rt. 16N, Dover, New Hampshire 03820 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-488, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchaed from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26340 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-489, RM-6420]

Radio Broadcasting Services; Altus, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Altus FM and Fred R. Morton seeking the substitution of Channel 300C2 for Channel 300A at Altus, Oklahoma, and the modification of the construction permit for Station KEYB to specify the higher powered channel. Channel 300C2 can be allotted to Altus in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.5 kilometers (15.9 miles) south to avoid a short-spacing to Station KAKS-FM, Canyon, Texas. The coordinates for Channel 300C2 at Altus are North Latitude 34-24-30 and West Longitude 99-20-00. In accordance with § 1.420 of the Commission's rules, we will not accept competing expressions of interest in use of Channel 300C2 at Altus or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark Van Bergh, Esq., Gardner, Carton & Douglas, 1001 Pennsylvania Avenue, NW., suite 750, Washington, DC 20004 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-489, adopted September 21, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is not longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26341 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-487, RM-7390]

Radio Broadcasting Services; Tishomingo, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Ballard Broadcasting Company of Oklahoma, Inc. seeking the substitution of Channel 259C3 for Channel 292A at Tishomingo, Oklahoma, and the modification of its construction permit for Station KTSH-FM to specify operation on the higher powered channel. Channel 259C3 can be allotted to Tishomingo in compliance with the Commission's minimum distance separation requirements and can be used at the transmitter site specified in Station KTSH-FM's construction permit. The coordinates for this allotment are North Latitude 34-11-15 and West Longitude 96-43-28. In accordance with § 1.420(g) of the Commission's Rules, Station KTSH-FM's construction permit may not be modified to specify non-adjacent Channel 259C3 if competing expressions of interest in use of the channel are expressed unless an additional equivalent class channel is available for use by such parties.

DATES: Comments must be filed on or before December 24, 1990, and reply comments on or before January 8, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Joseph E. Dunne III, Esq., May & Dunne, Chartered, 1000 Thomas Jefferson Street, NW., suite 520, Washington, DC 20007 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-487, adopted September 28, 1990, and released November 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-26342 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

48 CFR Ch. 53

Air Force Logistics Command Federal Acquisition Regulation Supplement; Special Contracting Methods, Vendor Rating System; Correction

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule, correction.

SUMMARY: On Wednesday, October 24, 1990, the Department of the Air Force published in the **Federal Register** (55 FR 42863) a proposed rule concerning development of the Vendor Rating system (VRS) by Air Force Logistics Command. The purpose of this document is to correct a paragraph in which language was inadvertently omitted.

FOR FURTHER INFORMATION CONTACT: S. Wiginton, AFLC/PMPL, Wright-Patterson AFB OH 45433-5001.

Accordingly, title 48 Chapter 53 is corrected as set forth below:

PART AFLC 5317—(CORRECTED)

1. The authority citation for part AFLC 5317 continues to read as follows:

Authority: 5 U.S.C. 301 and FAR 1.301.

5317.9103-2 [Corrected]

2. In AFLC 5317.9103-2(i) the last sentence which was incomplete is corrected to read "All printouts will carry the restrictive legend in AFLC 5317.9103-2(h)."

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 90-26277 Filed 11-6-90; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172 and 175

[Docket No. HM-184F; Notice No. 90-14]

RIN-2137-AB99

Implementation of the International Civil Aviation Organization's Technical Instructions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) in order to permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the most recent edition of the International Civil Aviation Organization's Technical Instructions for the Safe Transportation of Dangerous Goods by Air (ICAO Technical Instructions). This amendment is necessary to facilitate the continued transport of hazardous materials in international commerce by aircraft when the 1991-1992 edition of the ICAO Technical Instructions becomes effective on January 1, 1991, pursuant to decisions taken by the ICAO Council regarding implementation of Annex 18 to the Convention on International Civil Aviation.

DATES: Comments must be received by December 7, 1990.

ADDRESSES: Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and be submitted, if possible, in five copies. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the docket number (i.e., Docket HM-184F). The Dockets Unit is located in room 8419 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590-0001. Telephone: (202) 366-5046. The public dockets may be reviewed between the

hours of 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frits Wybenga, International Standards Coordinator, or Ann Boylan, Office of Hazardous Materials Standards, Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–0656 or 366–4488.

SUPPLEMENTARY INFORMATION: On January 10, 1989, RSPA published a final rule in the **Federal Register** (54 FR 954) under Docket HM–184E. The final rule authorized, under certain conditions and with certain limitations, hazardous materials to be packaged, marked, labeled, classified, described and certified on shipping papers as provided in the 1989–1990 edition of the ICAO Technical Instructions, and to be offered, accepted and transported by aircraft within the United States and aboard aircraft of United States registry anywhere in air commerce. It was necessary that these amendments be published in order to provide consistency between the Hazardous Materials Regulations (HMR) and the ICAO Technical Instructions because the ICAO Technical Instructions have become the basic standard applied to the transport of hazardous materials by aircraft worldwide. A more detailed explanation of the reasons for this action was provided in an earlier notice of proposed rulemaking published under Docket No. HM–184 on August 2, 1982 (47 FR 33295). Since publication of the final rule under Docket No. HM–184E, ICAO has developed a number of amendments to the ICAO Technical Instructions. These amendments have been incorporated in the 1991–1992 edition of the ICAO Technical Instructions which will become effective on January 1, 1991. In order to facilitate the international transportation of hazardous materials by aircraft by insuring a basic consistency between the HMR and the ICAO Technical Instructions, RSPA believes it is necessary to amend certain provisions of the HMR to reflect changes introduced in the 1991–1992 edition of the ICAO Technical Instructions. The purpose of this rulemaking action is to propose these necessary amendments to the HMR.

The following changes are proposed to reflect changes incorporated in the 1991–1992 edition of the ICAO Technical Instructions.

Section 171.7. The reference to the 1989–1990 edition of the ICAO Technical Instructions in paragraph (d)(27) would be updated to reference to the 1991–1992 edition.

Section 172.101. In the § 172.101 Table, the proper shipping name, "Battery, *electric storage*, wet, with wheelchair" would be revised to read "Battery, *electric storage*, wet with wheelchair *or other* battery powered mobility aids." These words are added in order to permit battery powered mobility devices other than wheelchairs aboard aircraft.

Section 175.10. Several changes would be made to this section: In paragraph (a)(16), the words "not exceeding 70% alcohol by volume" would be added immediately following the words "Alcoholic beverages". This limit is added because alcoholic beverages with high alcohol content produce a flammable atmosphere at normal room temperatures. Permitting highly flammable liquids in the passenger compartment or in checked baggage would compromise safety. For consistency with the change proposed to the § 172.101 Table, in paragraphs (a)(19) and (a)(20) introductory text, the words "or other battery powered mobility aid" would be added following the word "wheelchair" and the words "or other powered mobility aids" would be added following the word "wheelchairs". In paragraph (a)(20)(iii), the reference to "Battery, wet, with wheelchair" would be revised to read "Battery, wet, with wheelchair *or other* battery powered mobility aid".

Administrative Notices

A. Executive Order 12291 and Administrative Notices

The RSPA has determined that this rulemaking: (1) Is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 *et seq.*). The proposals in this document reflect changes introduced in the 1991–1992 edition of the ICAO Technical Instructions. Their anticipated economic impacts are so minimal that preparation of a regulatory evaluation is not considered necessary. An earlier regulatory evaluation on implementation of the ICAO Technical Instructions was prepared for Docket HM–184. A copy of that regulatory evaluation is available for review in Docket HM–184F.

B. Executive Order 12612

This proposed action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. This proposal has no substantial direct impact of the States, on Federal-State relationship, or on the distribution of power and responsibilities among levels of government. Therefore, this proposed rulemaking contains no policies with Federalism implications as defined in Executive Order 12612.

C. Regulatory Flexibility Act

Based on limited information concerning the size and nature of entities likely to be affected by this proposed rule, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

List of subjects

49 CFR Part 171

Exports, Hazardous materials, transportation, Hazardous waste, Imports, Incorporation by reference, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR parts 171, 172 and 175 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. The authority citation for part 171 would continue to read as follows:

Authority: 49 U.S.C. App. 1802, 1804, 1805, 1808; 49 CFR part 1.

2. In § 171.7, paragraph (d)(27) would be revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(27) International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284–AN/905 (ICAO Technical Instructions), 1991–1992 edition.

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PART 172—HAZARDOUS MATERIALS TABLES, HAZARDOUS MATERIALS, COMMUNICATIONS REQUIREMENTS AND EMERGENCY RESPONSE INFORMATION REQUIREMENTS

3. The authority citation for part 172 would continue to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, and 1808; and 49 CFR part 1, unless otherwise noted.

§ 172.101 [Amended]

4. In § 172.101, Hazardous Materials Table, column (2), the proper shipping name "Battery, *electric storage*, wet, with wheelchair" would be revised to read "Battery, *electric storage*, wet, with wheelchair *or other* battery powered mobility aids".

PART 175—CARRIAGE BY AIRCRAFT

5. The authority citation for part 175 would continue to read as follows:

Authority: 49 U.S.C. App. 1803, 1804, 1807, 1808; 49 CFR part 1.

§ 175.10 [Amended]

6. In § 175.10, the following changes would be made:

a. In paragraph (a)(16), the words "not exceeding 70% alcohol by volume" would be added immediately following the words "alcoholic beverages".

b. In paragraphs (a)(19), (a)(20) introductory text, and (a)(20)(iii), each reference to "wheelchair" would be changed to read "wheelchair *or other* battery powered mobility aid" and each reference to "wheelchairs" would be changed to read "wheelchairs *or other* battery powered mobility aids".

Issued in Washington, DC, on October 30, 1990.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 90-26259 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-69-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

[Docket No. 901078-0278]

Foreign Fishing; Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Services (NMSF), NOAA, Commerce.

ACTION: Notice of preliminary groundfish fishery specifications and management measures, and request for comment.

SUMMARY: NOAA announces and requests comments on the preliminary 1991 specifications and management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California. The preliminary specifications propose the level of the acceptable biological catch, the designation of harvest guidelines or quotas, and the apportionment of harvest guidelines or quotas between domestic and foreign fishing operations for groundfish species and species groups. The preliminary management measures propose fishing restrictions that would keep landings within specified levels. Most of the proposed actions are authorized by the current Pacific Coast Groundfish Fishery Management Plan (FMP). Some of the proposed actions would be authorized by Amendment 4 to the FMP. Amendment 4 was adopted by the Pacific Fishery Management Council (Council) on July 11, 1990, and was submitted for review by the Secretary of Commerce (Secretary) under procedures of the Magnuson Fishery Conservation and Management Act (Magnuson Act) on August 9, 1990. Those measures authorized by Amendment 4 are published here for the purpose of consistency with the procedures authorized by the Amendment, if it is approved, and to provide the public an opportunity to comment on all of the management measures being considered for the 1991 fishing seasons. Publication of measures that would be authorized if Amendement 4 is approved does not imply that the Secretary will approve and implement Amendment 4. The intended effect of this notice is to allow the necessary actions for 1991 to be taken, whether under Amendment 4 of the current FMP, to provide the Secretary of Commerce with the best available information on which to base the final specifications and management measures for 1991, and to provide opportunity for public comment. Additional public comment will be invited at the November 14–16, 1990, Council meeting in Seattle, Washington.

DATES: Comments on these preliminary specifications and management measures for 1990 must be received by November 23, 1990.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Bldg. 1, Seattle, Washington 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90371.

FOR FURTHER INFORMATION CONTACT: Willian L. Robinson at (206) 526-6140; or Rodney R. McInnis at (213) 514-6202.

SUPPLEMENTARY INFORMATION:

I. Preliminary Specifications of ABC, Harvest Guidelines and Quotas, and Apportionments to DAH, DAP, JVP, and TALFF

Under the FMP and its implementing regulations at 50 CFR 663.24, those management specifications for groundfish authorized by the FMP must be evaluated each calendar year, preliminary specifications for the upcoming year must be published in the **Federal Register** inviting public comment, and final specifications must be published in the **Federal Register** following public comment. The Council adopted Amendment 4 to the FMP on July 11, 1990, and submitted it to the Secretary on August 9, 1990, for review and, if approved, implementation. Proposed implementing regulations were published in the **Federal Register** at 55 FR 38105 (September 17, 1990). Amendment 4 provides the authority for additional management specifications beyond those authorized by the current FMP, principally, the authority to establish and modify quota or harvest guidelines without having to amend the FMP. If approved, Amendment 4 will not require that preliminary specifications be published in the **Federal Register**, although the Council is required to make them availablke for public comment. For the purpose of completeness, and to provide the public the opportunity to comment on all of the proposed specifications for the 1991 fishing year, NOAA is publishing all of the proposed specifications including those authorized by Amendment 4, if it is approved, for public comment.

The management specifications include the acceptable biological catch (ABC), the designation and amounts of harvest guidelines or quotas for species that need individual management, and the apportionment of the harvest guidelines or quotas between domestic and foreign fisheries. Under Amendment 4, the annual quota replaces the specification of the numerical optimum yield (OY) quota under the original FMP. For those species needing individual management that will not be fully utilized by domestic processors, or that cannot be fully utilized without severely impacting species that are fully utilized by domestic processors, the harvest guideline or quota may be apportioned to domestic annual harvest (DAH, which includes domestic annual processing (DAP) and joint venture processing

(JVP)) and the total allowable level of foreign fishing (TALFF).

The preliminary 1991 management specifications are listed in Tables 1 and 2, followed by a discussion of each species with an ABC different than in 1990, or with a harvest guideline or quota designation, and the amount of that designation. Unless noted here, the specifications are the same as in 1990. The aggregate data upon which these preliminary specifications are based are available for public inspection at the offices of the Regional Directors (See **ADDRESSES** above) during business hours until the end of the comment period.

The public is advised that the specifications proposed herein are very preliminary; additional analysis will be conducted to refine these estimates before being adopted at the November 14–16, 1990, Council meeting. Consequently, the final ABCs, harvest guidelines, quotas, and apportionments recommended by the Council in November may differ significantly from those proposed in this notice, depending on refined scientific information and public testimony received before or during the Council's November 1990 meeting. The revised analyses will be available from the Council before and during the November meeting and will be discussed in detail at that meeting, at which time additional public comment will be accepted.

TABLE 1.—PRELIMINARY SPECIFICATIONS OF ABC FOR 1991 FOR THE WASHINGTON, OREGON, AND CALIFORNIA REGION BY INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION AREAS

[In thousands of metric tons]

Species	Area					Total
	Vancouver [1]	Columbia	Eureka	Monterey	Conception	
Roundfish:						
Lingcod	1.0	4.0	0.5	1.1	0.4	7.0
Pacific Cod			[2]	[2]	[2]	3.2
Pacific Whiting			[2]	[2]	[2]	[3] 251.0
Sablefish			[2]	[2]	[2]	[4] 8.8
Rockfish:						
Pacific Ocean Perch	0.0	0.0	[2]	[2]	[2]	0.0
Shortbelly						[4] 13.0
Widow						[4] 7.0
Other Rockfish: [5]						
Bocaccio	[2]	[2]	[2]			0.8–1.7
Canary	0.8	1.5	0.6	[2]	[2]	2.9
Chilipepper						[4] 3.6
Yellowtail	1.2	3.1	0.3	[2]	[2]	4.6
Thornyheads	[2]	3.2	1.3	1.4	[2]	5.9
Remaining Rockfish	0.8	3.7	1.9	4.3	3.3	14.0
Flatfish:						
Dover Sole	2.4	6.1	8.0	5.0	1.0	22.5
English Sole						[4] 1.9
Petrale Sole	0.6	1.1	0.5	0.8	0.2	3.2
Other Flatfish	0.7	3.0	1.7	1.8	0.5	7.7
Other Fish: [6]						
Jack Mackerel						[7] 12.0
Others	2.5	7.0	1.2	2.0	2.0	14.7

[1] U.S. portion.
[2] These species are not common or important in the areas footnoted. Accordingly, for convenience, Pacific code is included in the "other fish" category for the areas footnoted and rockfish species are included in the "remaining rockfish" category for the area footnoted only.
[3] Based on 90 percent of the 279,000 mt preliminary ABC for the U.S. and Canada combined.
[4] Total all areas.
[5] Other rockfish means rockfish species at 50 CFR 663.2, as amended, except Pacific ocean perch, widow rockfish, and shortbelly rockfish.
[6] Other fish inlcudes sharks, skates, ratfish, morids, grenadiers, jack mackerel, and, in the Eureka, Monterey, and Conception areas, Pacific code. "Other fish" is part of the "other species" category listed at 50 CFR 663.2.
[7] North of 39° N. latitude.

TABLE 2.—PRELIMINARY HARVEST GUIDELINE (HG) AND QUOTA SPECIFICATIONS AND THEIR APPORTIONMENT TO DAP, JVP, DAH, AND TALFF IN 1991

[In thousands of metric tons]

Species	HG or quota	DAP	JVP [1]	DAH	Reserve	TALFF [1]
I. Quota:						
Pacific Whiting [2]	251.0	251.0	0	251.0	0.0	0.0
Shortbelly Rockfish	13.0	0.0	10.4	10.4	2.6	0.0
Jack Mackerel	12.0	0.0	9.6	9.6	2.4	0.0
II. Harvest Guideline:						
Sablefish [3]	8.8	8.8	0.0	8.8	0.0	0.0
Pacific Ocean Perch	[4] 1.54	[4] 1.54	0.0	[4] 1.54	0.0	0.0
Widow Rockfish	7.0	7.0	0.0	7.0	0.0	0.0
Bocaccio	0.8–1.7	0.8–1.7	0.0	0.8–1.7	0.0	0.0
Yellowtail Rockfish	4.3	4.3	0.0	4.3	0.0	0.0
Thornyheads [3]	5.9	5.9	0.0	5.9	0.0	0.0
Dover Sole [3]	22.5	22.5	0.0	22.5	0.0	0.0
Sebastes Complex [5]	11.1	11.1	0.0	11.1	0.0	0.0

[1] In the foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) are: sablefish 0.173 percent; Pacific ocean perch 0.062 percent; rockfish excluding Pacific ocean perch 0.738 percent; flatfish 0.1

percent; jack mackerel 3.0 percent; and other species 0.5 percent. In foreign trawl and joint venture fisheries, "other species" means all species, including nongroundfish species, except Pacific whiting, sablefish, Pacific ocean perch, other rockfish, (that is, rockfish excluding Pacific ocean perch), flatfish, jack mackerel, and prohibited species. In a foreign trawl or joint venture fishery for species other than Pacific whiting, incidental allowance percentages will be stated in the conditions and restrictions to the foreign fishing permit. See 50 CFR 611.70(c) for application of incidental retention allowance percentages to joint venture fisheries.

[2] Based on 90 percent of the 279,000 mt preliminary ABC for the U.S. and Canada combined.

[3] Sablefish, thornyheads, and Dover sole may be managed together as the "deepwater complex."

[4] Of this 1,540 metric tons (mt), 500 mt is for the Vancouver area and 1,040 mt is for the Columbia area.

[5] For the Vancouver and Columbia INPFC areas. The harvest guideline for the *Sebastes* complex (all rockfish managed under the FMP except Pacific ocean perch, shortbelly rockfish, widow rockfish, and thornyheads) is derived by adding the sum of the ABCs in the Vancouver and Columbia areas for the species in the complex (i.e., canary rockfish, yellowtail rockfish, and the remaining rockfish category from Table 1).

A. Preliminary ABCs

An ABC is the biologically based estimate of the amount of fish, for the more than 80 groundfish species managed by the FMP, that can be harvested from the fishery each year without jeopardizing the resource. ABCs are recommended by the Council's Groundfish Management Team (GMT) in consultation with an ad hoc stock assessment group consisting of state and federal fishery scientists, and the Council's Scientific and Statistical Committee. Unless noted herein, the ABCs in Table 1 are the same as in 1990.

The 1991 preliminary ABCs are revised from the 1990 levels for the following species: Pacific whiting, sablefish, widow rockfish, bocaccio, canary rockfish, yellowtail rockfish, and Dover sole, and possibly jack mackerel. An ABC also is established for the first time for thornyheads (*Sebastolobus* spp.) because of the substantial landings in recent years and the recent availability of a stock assessment.

Pacific whiting. The preliminary combined U.S. and Canada ABC for Pacific whiting in 1991 is 279,000 mt, the upper end of the ABC range provided by the most recent preliminary stock assessment. This is 14 percent higher than the 1990 U.S.-Canada ABC (245,000 mt), because of upward revisions in the strength of the 1980 and 1984 year classes based on the 1989 survey. Model projections are that biomass and ABC will decline considerably during 1991–1993. Although the stock assessment presented alternative constant and variable fishing mortality rate (F) policies, the recommended 1991 ABC was obtained using a variable F policy. The ABC for the U.S. portion is preliminarily set at 251,000 mt, 90 percent of the combined U.S.-Canada ABC of 279,000 mt.

Sablefish. The preliminary coastwide ABC for sablefish in 1991 is 8,800 mt, a 1 percent decrease from the 1990 ABC of 8,900 mt. Because of differences in growth and survey catches, the 1990 assessment was based on separate analyses for the Vancouver-Columbia and Eureka-Monterey-Conception areas. The stock is estimated to have been fished down to a greater degree in the more northern area. However, until further analysis can be completed, a coastwide ABC is maintained for sablefish.

Widow rockfish. The preliminary coastwide ABC for widow rockfish in 1991 is 7,000 mt, 21 percent less than the 1990 ABC of 8,900 mt. Projected total biomass for 1991 is about equal to the expected longterm biomass under the recommended level of fishing mortality. The relative abundance of older fish (ages 10 or older) continued to decline in the most recent (1989) catch-at-age data. In addition, the 1990 assessment continues to identify the 1982 and 1983 year classes as relatively weak.

Bocaccio. The preliminary 1991 ABC for bocaccio ranges from 800 to 1,700 mt for the Monterey and Conception International North Pacific Fisheries Commission (INPFC) areas. This range is lower than the expected 1990 landings of about 2,000 mt and substantially less than the 1990 ABC of 6,100 mt. The 1990 assessment applied to the Eureka, Monterey, and Conception INPFC areas, and incorporated trawl, set net, and recreational data, estimates of recreational fishing effort, and triennial trawl survey estimates of abundance. Biomass is estimated to have decreased from 70,000–80,000 mt in 1978 to 7,000–14,000 mt in 1990, due to poor recent recruitment and increased fishing mortality.

Canary rockfish. The preliminary 1991 ABC for canary rockfish in the Columbia INPFC area is 1,500 mt, 29 percent lower than the 1990 ABC of 2,100 mt. The stock assessment was based on catch-at-age data, logbook estimates of trawl effort, and triennial trawl catch rates and length composition data. Declines in mean length and age and in fishery catch rates support the conclusion that the stock has been gradually fished down to about the expected longterm biomass under the recommended level of fishing mortality. No changes are recommended for the Vancouver and Eureka areas until assessments can be completed for those areas. Consequently, the preliminary ABC for canary rockfish in the Vancouver, Columbia, and Eureka areas is reduced from 3,500 mt in 1990 to 2,900 mt in 1991.

Yellowtail rockfish. Based on a 1990 assessment, the preliminary 1991 ABC for yellowtail rockfish in the U.S. portion of the Vancouver area is 1,200 mt, 100 mt higher than in 1990. For the Columbia area, the recommended ABC for 3,100 mt is 200 mt higher than in 1990. The Eureka area ABC is not changed. Consequently, the preliminary ABC for the combined Vancouver-Columbia-Eureka in 1991 is 4,600 mt, 7 percent greater than the 1990 ABC of 4,300 mt for the same area.

Thornyheads. For the first time, an ABC is established for thornyheads (shortspine and longspine) in the Columbia, Eureka, and Monterey INPFC areas. The preliminary ABC is 5,900 mt, close to the 1988 Columbia-Monterey area landings, but substantially less than projected 1990 landings of about 11,000 mt. The ABC estimate is based on a first assessment of shortspine thornyhead growth, maturity, and abundance. Some information also is included for longspine thornyheads. The preliminary age data, which have not been validated, suggest that shortspine thornyheads live for more than 100 years; consequently, rates of natural mortality and growth are extremely low. The ABC estimates by INPFC area (3,200 mt in the Columbia area, 1,300 mt in the Eureka area, and 1,400 mt in the Monterey area) are based on the highest abundance estimates from slope trawl surveys and the relative proportion of shortspine and longspine thornyheads in 1989 landings. Additional information on thornyhead abundance should be available following the planned fall 1990 slope survey off the Eureka area.

Dover sole. Based on new stock assessments for Dover sole in the Eureka and Columbia INPFC areas, the preliminary 1991 ABC in the Eureka area is maintained at 8,000 mt, well above the 1989 catch of 4,000 mt. The preliminary Columbia area ABC is reduced to 6,100 mt, 47 percent below the 1990 ABC of 11,500 mt and 26 percent below the 1989 catch of 8,200 mt. The Columbia area assessment is based on fishery size and age composition data and is tuned to trawl survey estimates of biomass. The Eureka fishery size and age composition data indicate a lesser decline in biomass, although there is not yet any survey data to provide a more definitive assessment. The stock in both areas is above the expected longterm biomass under the recommended level of fishing mortality, and future reductions in ABC are expected as fishing down proceeds.

Jack mackerel (north of 39° N. latitude). The ABC for jack mackerel in the area north of 39° N. latitude is preliminarily set at 12,000 mt, as in 1990. However, joint venture interests requested 40,000 mt of jack mackerel. The Council asked the GMT to examine the possibility of a higher ABC in 1991 and may consider an increase to the 1991 ABC for jack mackerel north of 39° N. latitude at the November 1990 Council meeting. Because there has been little interest in this species, a stock assessment has not been conducted recently. The maximum sustainable yield is estimated to be 12,000 to 27,000 mt. Because jack mackerel has been lightly exploited, fishing above the maximum sustainable yield (MSY) level may be possible in 1991. The FMP does not govern the segment of the jack mackerel stock south of 39° N. latitude because these smaller, younger fish generally are not caught in the groundfish fishery.

B. Species Needing Individual Management—Harvest Guidelines and Quotes

A harvest guideline or quota is based on the ABC but may be modified by socioeconomic factors, and thus is not necessarily equal to the ABC. Both harvest guidelines and quotas are the amount of fish that the Council believes can be safely landed in a given year, and management measures may be imposed to keep landings close to that level. After a quota is reached, a fishery must be closed (*i.e.*, the species or species group may not be taken and retained, possessed, or landed), whereas reaching a harvest guideline does not automatically result in a fishery closure.

Amendment 4, if approved, will provide the authority to designate harvest guidelines or quotas and management measures to achieve them for a species or species group without amending the FMP if one of the following conditions exists: the species or species group is in need of special protection or more cautious exploitation than currently provided; the species or species group can be managed effectively as a unit; a point of concern is expected to be reached during the year; a joint venture or foreign fishery is expected; or a direct allocation is needed. The current FMP designates only six species with numerical OY quotas; until Amendment 4 is approved and implemented, these quotas cannot be changed to harvest guidelines, nor can new species be designated with numerical OYs without a plan amendment. Under the current FMP as well as Amendment 4, species not managed by harvest guidelines or quotas are managed by gear, area, and other catch restrictions.

The GMT recommended the following species and species groups be managed individually by harvest guideline or quota as of January 1, 1991: Pacific whiting, shortbelly rockfish, and jack mackerel, to accommodate potential joint ventures; Pacific Ocean perch, sablefish, widow rockfish, yellowtail rockfish, the *Sebastes* complex (all rockfish managed under the FMP except Pacific Ocean perch, widow, shortbelly and thornyheads, north and possibly south of Coos Bay, Oregon), Dover sole, thornyheads (*Sebastolobus* spp.), and bocaccio, to provide additional protection for these stocks that otherwise would be fished at levels above ABC (Tables 1 and 2). This would be the first time individual management has been recommended for Dover sole, thornyheads, and boccio.

Once a species or species group is identified for individual management, Amendment 4 provides guidance for choosing between a quota and a harvest guideline. Generally a quota will be used when it is necessary to prevent overfishing, to adhere to a rebuilding program, or to achieve resource allocations established through the FMP. Generally, harvest guideline rather than a quota will be used when one of the following exists: (1) A minimal level of protection or caution is believed to be sufficient; (2) incidental catches in groundfish fisheries, or other fisheries not regulated by this FMP, are unavoidable and significant; (3) unavoidable incidental catch would occur after a quota is reached, resulting in the discard and waste of significant quantities of fish; (4) data are insufficient to estimate status of stocks or inseason landings; or (5) harvest in excess of a harvest guideline is not expected to result in overfishing or to prevent adherence to a rebuilding program.

The Council recommended quota management for Pacific whiting, shortbelly rockfish and jack mackerel because of potential joint venture fisheries. These species are managed by OY quotas under the current FMP.

The Council recommended harvest guidelines for Pacific Ocean perch, widow rockfish, yellowtail rockfish, sablefish, Dover sole, thornyheads, and bocaccio for the reasons in items (2), (3), and (5) above, and the *Sebastes* complex under item (1). The *Sebastes* complex, which includes yellowtail rockfish, has been managed under a harvest guideline since 1983. Dover sole, thornyheads, and bocaccio would be managed individually for the first time to provide additional protection for those stocks. Pacific Ocean perch, widow rockfish, and sablefish are managed with OY quotas under the current FMP, but this has resulted in discards of unavoidable catch that occurred after the quota was reached while fishing for other species or under severe trip limits designed to keep landings within the quota. Although the Council intends to recommend additional management measures to achieve but not exceed the harvest guidelines, unavoidable catches in excess of a harvest guideline may occur. It should be noted that the harvest guideline and trip limit for Pacific Ocean perch are designed to allow only incidental catches to be landed and are consistent with the Council's intent to rebuild that species.

C. Preliminary Harvest Guidelines and Quotas

With the exception of Pacific Ocean perch, the Council recommended that the harvest guideline or quota be set equal to ABC for all the species or species groups identified for individual management. The recommended harvest guidelines and quotas are shown in Table 2. For Pacific Ocean perch, the Council is continuing its policy of allowing unavoidable incidental catches to be landed. Preliminary harvest guidelines are recommended at the same levels as in 1990 (500 mt for the Vancouver area and 1,040 mt for the Columbia area), even though the ABC is set at zero. Pacific Ocean perch was fished to a level below its MSY by foreign fleets before the Magnuson Act was implemented and is being managed to rebuild the stock. The Council may recommend combining the Vancouver and Columbia area harvest gudelines or applying the harvest guideline coastwide. The Council also may consider reducing the harvest guideline below the 1990 level if that level is found to be higher than needed to accommodate incidental catches in 1991.

The preliminary harvest guideline for the *Sebastes* complex north of Coos Bay is 11,100 mt, compared with 10,500 mt in 1990. In the past, the harvest guideline for yellowtail rockfish and the *Sebastes* complex north of Coos Bay, Oregon were derived by adding the ABCs for the species in the complex in the Vancouver and Columbia subareas, and subtracting a small, prorated amount because the area in the EEZ north of Coos Bay is slightly smaller than the Vancouver and Columbia areas combined. (Coos Bay is about 20 nautical miles north of the southern boundary of the Columbia area.)

Because of the difficulty in prorating biological landings data for the small portion of the Columbia area south of Coos Bay, in 1991 in ABCs, harvest guidelines, and landings for the *Sebastes* complex and yellowtail rockfish north of Coos Bay area based on Vancouver-Columbia area totals, even though management measures may be applied to areas north or south of Coos Bay.

At its November meeting, the Council may consider designating a separate harvest guideline for the *Sebastes* complex in more southern areas, or coastwide, if necessary to protect other species in the complex.

D. Apportionments to DAH, DAP, JVP, TALFF, and the Reserve

A harvest guideline or quota includes determinations of the amounts that may be available for domestic and foreign fishing. The DAH consists of estimates of DAP and JVP that are determined by surveys in September and June to assess the industry's planned utilization. The TALFF is the remainder, if any, of OY after domestic needs have been subtracted. Amendment 4 requires that a reserve to accommodate unexpected expansion in the domestic fishery be set aside at the beginning of the year if the entire quota is not needed by domestic processors. If DAP is 80 percent or less of the quota, the reserve is set at 20 percent of the quota; otherwise the reserve is the difference between the quota and DAP. Under the Original FMP, the reserve was applied only as a buffer between DAH and TALFF with no additional protection between DAP and JVP.

The recommended preliminary apportionments are based on the results of NMFS' survey of the domestic industry to determine domestic processing and harvesting needs. A follow-up survey is conducted later in the year to refine the estimates of DAP, JVP and DAH and to reapportion the reserve. The following apportionments are based on the survey conducted in early September 1990. Domestic processors who expect to use whiting, shortbelly rockfish, or jack mackerel in 1991 and who have not been contacted by the Northwest Region of NMFS as a part of this survey are encouraged to call (Kate King, at 206–526–6140) as soon as possible to assure that their processing needs are considered.

Pacific whiting. Domestic processors have preliminarily requested approximately 309,000 mt of Pacific whiting in 1991. The preliminary quota for Pacific whiting is expected to be between 70 and 90 percent of the combined U.S.-Canada ABC of 279,000 mt, less than domestic processing requests. Therefore, DAP is preliminarily set equal to the annual quota, leaving no surplus for JVP or TALFF and no reserve. The industry will be surveyed later in the year, after which surplus DAP, if any, may be reapportioned to JVP.

Most of the domestic processing interest (273,000 mt) in 1991 is from at-sea processing vessels that expect to process Pacific whiting during the closed period (April through May) between the two pollock seasons in Alaska, particularly if the "doughnut hole" in the Bering Sea is closed to U.S. fishing. Most of the at-sea processors are factory trawlers, although several are motherships that intend to process whiting delivered by 4 to 12 U.S. catcher vessels. In addition, domestic shore-based operations intend to expand, accounting for 36,000 mt of the requests for 1991.

In 1990, DAP initially was set at 35,000 mt, and lowered to 25,000 mt inseason. There was very little interest by at-sea processors. Landings in 1990 are expected to be close to the level landed in 1989, 7,400 mt. The 1990 DAP of 25,000 mt was not taken because the season was very short (whiting came late and left early) along much of the coast. However, most of the processors that requested whiting in 1990 did market that species, although sales were lower than hoped.

The joint venture companies that participated in 1990 were contacted regarding their requests for 1991. Initial requests for joint venture processing in 1991 are approximately 190,000 mt. About 170,000 mt of whiting are expected to be taken by 48 U.S. catcher vessels in the 1990 joint venture.

Shortbelly rockfish. There is little domestic processing of shortbelly rockfish. The DAP is lowered from 500 mt in 1990 to zero in 1991. Only 2.2 mt were landed in 1989. The 20 percent reserve should adequately accommodate unexpected expansion of domestic processing needs in 1991. Based on the 1990 quota of 13,000 mt being continued in 1991, the reserve would be 2,600 mt. The remaining 10,400 mt is designated for JVP. In the event that Amendment 4 is not approved, there would be no reserve at the beginning of the year and JVP preliminarily would be set at 13,000 mt.

Jack mackerel (North of 39° N. latitude). The U.S. processing industry expressed no interest in the segment of the jack mackerel stock that is available to trawl gear north of 39° N. latitude. Consequently DAP is preliminarily set at zero and, if the quota is maintained at 12,000 mt, the reserve would be 2,400 mt. One joint venture company has expressed interest in a joint venture for up to 40,000 mt of jack mackerel in the EEZ north of 39° N. latitude. Consequently, the remainder of the quota, 9,600 mt. is designated for JVP. The Council asked the GMT to reevaluate the ABC for jack mackerel to see if the higher JVP request could be accommodated. In the event that Amendment 4 is not approved, there would be no reserve at the beginning of the year and JVP would preliminarily be set at 12,000 mt.

Preliminary Management Measures

At its November meeting, the Council will recommend management measures intended to reduce the rate of landings in 1991 for certain species or species groups. These management measures fit into two procedural categories, those designated as "routine" Amendment 4 and those intended to be designated as routine before January 1, 1991, according to procedures contained in Amendment 4. The routine designation means the identified management measure may be implemented and adjusted for a specified species or species group and gear after consideration at a single Council meeting and after publication in the **Federal Register**, as long as the purpose of the limit is the same as originally established when these measures were designated as routine. All the management measures that the Council intends to consider at its November meeting for implementation on January 1, 1991, are listed here, even though not all are as yet designated routine. The designation of routine is expected to occur by separate rulemaking if Amendment 4 is approved. Notification of the actual management measures is expected to appear in the **Federal Register** notice announcing the final specifications and management measures for 1991.

Amendment 4 designates trip landing and trip frequency limits as routine for widow rockfish, Pacific ocean perch, yellowtail rockfish, the *Sebastes* complex of rockfish, and sablefish (trawl and nontrawl gears). In addition, trip limits may be established by size category for sablefish caught with trawl or nontrawl gear to limit the harvest of juvenile sablefish and protect future brood stock. Bag and size limits for rockfish and lingcod taken with recreational gear also are designated as routine, primarily to provide the Council the flexibility to adjust bag limits in Federal waters to make them consistent with state regulations for waters between zero and three nautical miles offshore.

The Council has recommended that trip landing and frequency limits for three new species be designated as routine in accordance with the procedures contained in Amendment 4. These are bocaccio, Dover sole, and thornyheads (for all commercial gear). The Council also has recommended that sablefish, Dover sole, and thornyheads, which individually will be designated as routine, be considered routine if managed together as a complex. NOAA intends to propose these new designations by separate rulemaking.

The management measures proposed below for 1991 are preliminary and likely to change because the final specifications on which they ultimately will be based also are preliminary and will not be final recommendations until after the Council's November 1990 meeting. Therefore, these proposed management measures are subject to change based on updated scientific information and public comment.

Widow rockfish. In 1990, the annual quota (OY) for widow rockfish was a range of 9,800 to 10,000 mt. The quota was set higher than the 8,900 mt ABC to soften the economic impact on the fishing industry of an abrupt reduction to the ABC level. At the time, the Council acknowledged that quota reductions in the future were likely. The fishery was restricted to a weekly trip limit of 15,000 pounds with a biweekly option of 25,000 pounds; only one landing per week (or two week period, depending on the option) could contain more than 3,000 pounds of widow rockfish. It appears that landings will stay within the quota in 1990. However, given the likelihood of a reduced harvest guideline in 1991 (preliminarily set at 7,000 mt), trip landing and frequency limits may need to be more restrictive. At its November meeting, the Council will consider reducing the trip landing limits and/or allowing fewer landings (perhaps only one landing per month) of widow rockfish in 1991. In the future, the Council also may consider prohibiting midwater trawls for the harvest of widow rockfish.

Sebastes complex (including yellowtail rockfish) north of Coos Bay. The 1990 harvest guideline for the *Sebastes* complex north of Coos Bay, Oregon was 10,500 mt. A weekly trip limit of 25,000 pounds (containing no more than 7,500 pounds of yellowtail rockfish) was implemented at the beginning of the year, and only one landing of the complex above 3,000 pounds was allowed per week. The limit for yellowtail rockfish was lowered to 3,000 pounds, or 20 percent of the complex, whichever was greater, on July 25. Biweekly and twice-weekly trip limit options were available. Landings of the *Sebastes* complex north of Coos Bay are expected to be within the harvest guideline in 1990. Landings of yellowtail rockfish are expected to exceed the harvest guideline by about 15 percent in 1990, but are close to the increased harvest guideline levels proposed for 1991. Yellowtail rockfish is near the level that produces MSY, and exceeding the harvest guideline by 15 percent in 1990 will not jeopardize the stock.

The 1991 harvest guideline north of Coos Bay is proposed to increase from 10,500 mt to 11,100 mt for the *Sebastes* complex and from 3,900 mt to 4,300 mt for yellowtail rockfish, which is close to the projected level of landings for that species in 1990. However, the trip poundage and frequency limits imposed on the *Sebastes* complex and yellowtail rockfish in January 1991 are likely to be more restrictive than in January 1990, to reduce the need for more severe restrictions before the end of the year.

Pacific ocean perch. The annual quota (OY) for Pacific ocean perch in 1990 was 500 mt in the Vancouver area, and 1,040 mt in the Columbia area, for a total of 1,540 mt. Although the ABC was set at zero to rebuild the stock, higher quotas and a trip limit of 3,000 pounds or 20 percent of all fish on board, whichever is less, were implemented to allow incidental catches to be landed. This limit was applied only when more than 1,000 pounds of Pacific ocean perch were on board. Landings are expected to be within the quotas in 1990.

If the proposed harvest guideline for Pacific ocean perch in 1991 remains the same as the quota in 1990, similar management restrictions can be expected. If it is reduced, the Council may consider more severe trip landing or frequency limits, or other restrictions to minimize the incidental catch or discards of Pacific ocean perch. The harvest guideline has been proposed at a level only to accommodate incidental catches. Trip limits will not be relaxed to allow any target fishing in 1991, even if the harvest guideline is not projected to be reaced.

Sablefish. In 1990, the annual quota (OY) for sablefish was 8,900 mt. After subtracting the estimated Washington coastal Indian tribal catch to the end of the year (300 mt), the remainder of the annual quota was divided into separate gear quotas, 58 percent for the trawl landings and 42 percent for the nontrawl (fixed) gear landings. This same apportionment applies during 1991. In addition, reference to tribal fisheries will be clarified to pertain only to Washington tribal fisheries along the coast of the Pacific Ocean.

Even though it has recommended an overall harvest guideline rather than a quota for sablefish in 1991, the Council intends to continue managing this species with trawl and nontrawl gear allocations, that are individual quotas. Under the current FMP, all landings by all gears are prohibited when the overall quota is reached. Thus, if an error was made in the landings projection for one gear group, the overage had to be subtracted from the other gear group's quota. Under Amendment 4, designation of an overall harvest guideline for sablefish allows the harvest guideline to be slightly exceeded, protecting each gear group from being penalized for management imprecision. Trip landing and frequency restrictions will be designed to keep landings within the harvest guideline. Overages, if any, are expected to be of a level that will not jeopardize the stock.

Sablefish (and the Deepwater Complex)—trawl fishery. A sablefish trip limit of 1,000 pounds or 25 percent of the deepwater complex (sablefish, Dover sole, thornyheads, and arrowtooth flounder), whichever is greater, was imposed on the multispecies trawl fishery at the beginning of the 1990 fishing season to discourage target fishing for sablefish and to slow achievement of the trawl quota. On October 3, this limit was modified to avoid reaching the trawl quota before the end of the year. To minimize discards of sablefish that would occur if only the trip limit for sablefish were reduced, trip landing and frequency limits were placed on the deepwater complex in the aggregate (sablefish, Dover sole, and thornyheads). Arrowtooth flounder is removed from the complex because it is not as closely associated with sablefish as previously thought and is uncommon in California and southern Oregon. This new trip limit allowed only one landing per week above 1,000 pounds of the deepwater complex, not to exceed 15,000 pounds, and no more than 1,000 pounds or 25 percent, whichever is greater, could be sablefish. Biweekly and twice-weekly landings options also were available. The 5,000 pound trip limit on sablefish smaller than 22 inches remained in effect. It is not yet known whether the trawl quota will be reached in 1990.

Trip landing and frequency limits will be considered for trawl landings of sablefish, Dover sole, and thornyheads, either separately or in the aggregate, in 1991. Trip limits on sablefish smaller than 22 inches (total length) are

expected to continue. Trip landing and frequency limits for Dover sole and thornyheads are expected to be designated as "routine" in a separate announcement in the **Federal Register**.

Sablefish—nontrawl fishery. The 1990 nontrawl target fishery opened January 31, 1990. Between January 31 and June 24, the nontrawl fishery was unrestricted except for a trip limit on sablefish smaller than 22 inches of 1,500 pounds or 3 percent of sablefish, whichever is greater. On June 24, a trip limit of 500 pounds of sablefish of any size was imposed, a reduced on July 25 to 200 pounds, when only a small amount of the nontrawl quota was projected to remain. These small trip limits were imposed virtually to eliminate the target fishery, while allowing landings of sablefish taken incidentally or by the very small-scale fisheries that operate later in the year (notably the Newport, California dory fleet). Later data indicated that more of the quota remained than previously projected, and the trip limit was increased to 2,000 pounds on October 3, 1990. At that time the trip limit for sablefish smaller than 22 inches was reinstated. Current projections indicate that the nontrawl quota will not be reached before the end of the year.

The Council is considering a trip limit for the nontrawl fishery at the beginning of the year that would allow the landing of small quantities of sablefish caught incidentally in other fisheries, but would be intended primarily to delay the opening of the unrestricted target fishery until at least April 1, 1991. Because delaying the beginning of the unrestricted target fishery has allocative implications and is being recommended to achieve objectives different from those supporting the designation of trip limits on the nontrawl fishery as routine in Amendment 4, NOAA intends to propose designating trip limits for this purpose as routine in a different **Federal Register** rule. In that same rule NOAA intends to propose a change in the nontrawl season opening date but not as a routine management measure.

The Sebastes Complex south of Coos Bay. Currently, the *Seabastes* complex south of Coos Bay is managed with a 40,000 pound trip limit. It is likely that additional trip landing or frequency limits may be needed to protect certain species in the complex, especially bocaccio. Trip landing and frequency limits for the *Sebastes* complex are designated as routine by Amendment 4.

Bocaccio. The Council also intends to consider managing bocaccio in 1991, either separately or as a part of the *Sebastes* complex. Trip landing or frequency limits on commercial gear will be considered. Recreational landing limits also may be considered in 1991 or later as data become available. The Council has recommended, and NOAA intends to propose, that trip landing and frequency limits for bocaccio be designated as routine by a separate **Federal Register** rule.

Dover sole and thornyheads. As mentioned earlier, Dover sole, thronyheads, and sablefish may be managed separately or as a unit ("the deepwater complex"), to achieve the harvest guidelines for these species. The Council will consider trip landing and frequency limits at its November meeting. The Council has recommended and NOAA intends to propose that trip landing and frequency limits for Dover sole, thorneyheads, and sablefish, either individually or in the aggregate, be designated as routine by separate **Federal Register** rule.

Lingcod. The Council has proposed that the recreational bag limit for lingcod off California be changed from three to five fish, to be consistent with California state regulations. Bag and size limits for lingcod are designated as routine under Amendment 4.

Rockfish. The recreational bag limit for rockfish under the original FMP is expected to continue, and has been designated as routine under Amendment 4. This restriction allows possession of 15 rockfish per day. Multi-day limits are authorized by a valid permit issued by the State of California and must not exceed the daily limit multiplied by the number of days in the fishing trip.

In the event that Amendment 4 is not approved, the authority to implement all of the management actions proposed above, except for the trip limit for nontrawl-caught sablefish at the beginning of the year and the recreational bag limit for lingcod, exists in the current FMP and implementing regulations at 50 CFR Parts 611.70 and 663. Procedures to delay the nontrawl sablefish season and to change the recreational bag limit for lingcod are not authorized under the current FMP. In the event that Amendment 4 is approved and implementing regulations published in the **Federal Register**, all of these proposed actions (i.e., those adopted after consideration of public comments received) will be authorized in final form according to the implementing regulations for Amendment 4 (published in the **Federal Register** as a proposed rule at 55 FR 38195 (September 17, 1990)).

Final Actions

The Council will make final recommendations for the 1991 specifications and management measures at its November 14–16, 1990, meeting in Seattle, Washington. The Council invites public comment both prior to (in writing) and at that meeting as well as during the public comment period following the publication of this notice. The Secretary will consider public testimony and the latest information on stock status and expected catch and effort before announcing the final specifications and management measures that will be effective January 1, 1991.

Classification

The preliminary specifications are made under the authority of and in accordance with 50 CFR 663.24 (a) and (b). The management measures are proposed under the authority of 50 CFR 663.22(a) and 663.23. If Amendment 4 is approved, these actions will be taken in final form under the authority of and in accordance with the regulations implementing Amendment 4 (proposed at 55 FR 38105, September 17, 1990).

An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 and a Supplemental EIS was prepared for Amendment 4 in accordance with the National Environmental Policy Act (NEPA). The alternatives considered and environmental impacts of the actions proposed in this notice are not significantly different than those considered in either the EIS or SEIS for the FMP. Therefore this action is categorically excluded from the NEPA requirements to prepare an Environmental Assessment in accordance with paragraph 5a(3) of the NOAA Directives Manual 02–10 because the alternatives and their impacts have not changed significantly.

This action is in compliance with Executive Order 12291 and is covered by the regulatory impact review and the analysis contained in Amendment 4.

This action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

The public has had opportunities to comment on this action. The public participated in Groundfish Management Team, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in August and September 1990 that resulted in these recommendations from the Council. Additional public comments will be accepted for 15 days after publication of this notice in the **Federal Register** and during the November Council meeting.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 663

Fisheries, Fishing.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 2, 1990.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

SUMMARY: The Administrative Conference's Committee on Administration is considering a draft recommendation and consultant report dealing with the implementation of the Occupational Safety and Health Review Commission's implementation of its simplified proceedings. The draft recommendation, based in part on a report prepared by Professor Morell Mullins of the University of Arkansas—Little Rock School of Law, calls on OSHRC and OSHA to take modest steps to enhance use of simplified proceedings. The proposal will be discussed at the Committee's November 13 meeting, described below.

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States. The Committee has scheduled this meeting to discuss the draft report and possible recommendation on implementation of OSHRC's settlement judge and simplified proceedings. The draft recommendation and consultant report are available on request from the Conference.

DATE: November 13, 1990, 1:30 p.m.

LOCATION: Administrative Conference Library, 2120 L Street, NW., suite 500.

PUBLIC PARTICIPATION: Committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meetings. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500 (202) 254–7020.

PUBLIC PARTICIPATION: Same as above.

Dated: November 4, 1990.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 90–26460 Filed 11–6–90; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census
Title: Follow-up Questionnaire—Housing Unit Coverage Study—1990 Decennial Census
Form Number: H–1374
Type of request: New
Burden: 1,245 hours
Number of respondents: 15,000
Avg hours per response: 5 minutes
Needs and uses: In this study the Census Bureau will computer-match a nationwide sample of 60,000 households from the Post Enumeration Survey sample to a sample of 1990 decennial census addresses. Census will contact approximately 15,000 of these households to assign a final enumeration status with precision and will use these data to evaluate the completeness of the 1990 decennial census
Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Mandatory
OMB desk officer: Marshall Mills, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377–3271, Department of Commerce, room H5312, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: November 1, 1990.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 90–26328 filed 11–6–90; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Docket 38–90]

Proposed Foreign-Trade Zone—Fort Wayne, Indiana Rescheduled Public Hearing and Extension of Comment Period

The public hearing, which was scheduled for October 12, 1990 (55 FR 38373, 9/18/90), and postponded (55 FR 40418, 10/3/90), has been rescheduled for November 29, 1990, beginning at 9 a.m. in room 106, City-County Building, One Main Street, Fort Wayne, Indiana 46802.

Also, the period for public comment is extended to December 31, 1990. Written comments may be submitted to the Executive Secretary at the address below.

The application is available for public inspection at:

Department of Economic Development, 840 City-County Building, One Main Street, Fort Wayne, Indiana 46802.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., room 4213, Washington, DC 20230.

Dated: November 1, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90–26329 Filed 11–6–90; 8:45 am]

BILLING CODE 3510–05–M

International Trade Administration

[A-570-506]

Porcelain-on-Steel Cooking Ware From the People's Republic of China, Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On April 27, 1989, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China. The review covers sales of porcelain-on-steel cooking ware made during the period May 10, 1986 through November 30, 1987 by China National Light Import and Export Corporation, Shanghai Branch, a manufacturer located in the People's Republic of China, and by Amerport (H.K.), Ltd., a third-country reseller located in Hong Kong.

We gave intereted parties an opportunity to comment on the preliminary results. At the request of the two importers, Amerport (U.S.A.), Ltd. and Wallace International, Ltd., we held a hearing on June 12, 1989. Based on our analysis of the comments received, the final results are changed, in part, from those presented in the preliminary results.

EFFECTIVE DATE: November 7, 1990.

FOR FURTHER INFORMATION CONTACT: Chris Marsh or Robert J. Marenrick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 1989, the Department of Commerce ("the Department") published in the **Federal Register** (54 FR 18129) the preliminary results of its administrative review of the antidumping duty order on porcelain-on-steel cooking ware ("POS cooking ware") from the People's Republic of China ("PRC") (51 FR 43414, December 2, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of porcelain-on-steel cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. During the review period, such merchandise was classifiable under item 654.0815, 654.0824, and 654.0827 of the Tariff Schedules of the United States Annotated. The merchandise is currently classifiable under the Harmonized Tariff Schedule ("HTS") item 7323.94.00. The HTS item number(s) are provided for convenience and Custom purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer located in the PRC, China National Light Import and Export Corporation, Shanghai Branch ("CSLI"), and one third-country reseller located in Hong Kong, Amerport (H.K.), Ltd. ("Amerport H.K."), both of which exported the POS cooking ware to the United States during the period from May 20, 1986 through November 30, 1987.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. At the request of two importers, Amerport (U.S.A.), Ltd. ("Amerport U.S.") and Wallace International, Ltd. ("Wallace"), we held a hearing on June 12, 1989. Below are the comments we received from the two importers, along with our response to each.

Comment 1: The importers argue that although CSLI sales were not computerized or segregated into categories covering the merchandise under review, the Department was afforded the opportunity to review all CSLI invoices for the period. They note that any difficulty the Department may have encountered in reviewing all such CSLI invoices during the course of the verification was due to the sheer volume involved and should not have resulted in any adverse assumptions regarding the verification process.

Department's position: The Department recognized that CSLI does not maintain the type of accounting records normally provided at verification. Accordingly, we tried to be flexible in our procedures for verifying total sales by giving CSLI an opportunity to provide copies of those invoices posted to their accounting statements for 1986 and 1987. Nevertheless, we were unable to verify adequately CSLI's total sales to the United States. (See our response to Comment 2.)

Comment 2: The importers argue that the Department successfully verified the total sales by CSLI to Amerport H.K., its only customer during the period of review. The Department's conclusion that CSLI's accounting statements for the period did not contain a complete listing of cookware sales to the United States were based on CSLI's failure to provide documentation for three of its sales invoices posted to its journals of accounts receivable for 1986 and 1987 (Documents Against Payment ("D/P")), and on five additional invoices which were not posted to the accounting statements reviewed. The first three invoices (nos. 76, 38118, and 38010) represented sample sales of extremely low value and were isolated air shipments. As such, they were subject to a different payment procedure and were not stored with the other invoices. Also, these invoices accounted for a mere three-tenths of one percent of such sales to Amerport H.K.

Of the latter five invoices (nos. 87A-038141, 028046, 039123, 039283, and 038129), three were erroneously posted to the journal of accounts receivable for letter of credit transactions, while the two others were posted to the D/P journal of accounts receivable in December of 1987. CSLI deleted the portions listing these invoices from the journals upon the belief that such postings were not subject to review by the Department. Thus, the journals reviewed at verification did not cover the D/P postings for the last month of the review period. Nevertheless, the supporting data was subsequently provided to the Department in submissions dated October 5, 1988 and October 19, 1988, and therefore, the transactions do not represent unreported sales.

Department's position: By tracing data to a company's internal accounting records, we verify the accuracy and completeness of factual information submitted by that company in response to our questionnaire. In this case, as stated in our verification report, we found that CSLI's accounting statements were incomplete. As a result, we were not able to verify total sales by CSLI and have relied upon the best information otherwise available for these sales.

CSLI was notified both prior to and during verification that the Department required copies of all invoices posted to the 1986 and 1987 accounting statements. This information, however, was not available for review upon the arrival of the verification team in China. The 1986 invoices were finally provided the night before the team departed, and the 1987 invoices were provided as the team left the hotel for the airport. CSLI never explained or attempted to explain at verification the discrepancies

between what was or what was not posted to the accounting statements or why there were missing invoices.

The importers claim that all CSLI's sales data was reported in the two October 1988 submissions, particularly, the five invoices, 87A–038141, 038046, 039123, 039283, and 038129. In reviewing these two supplemental responses, however, we found that only those shipments pertaining to invoice 038046 were reported in the sales listings. There was no mention of the other four invoices not posted to CSLI's accounting statements. More importantly, whether these sales were reported or not, the importers' claim does not address the issue of the accuracy of CSLI's accounting statements.

The importers also claim that certain invoices were subject to a different payment procedure and were not stored with the other invoices. CSLI states that the three invoices (nos. 76, 38118, and 38010) account for a mere three-tenths of one percent of such sales to Amerport H.K. We note, however, that the five invoices (nos. 87A–038141, 038046, 039123, 039283, and 038129) account for approximately 37 percent of the total reported sales for 1987. This represents a very significant portion of sales that were not posted to the D/P journals provided to the Department for verification of total sales. Because of this significant discrepancy, we determined that we could not verify CSLI's total sales.

Comment 3: The importers argue that the Department was able to verify records of payment from Wallace for Amerport H.K.'s United States sales of open-stock cooking ware. Records showing Wallace's payment on these transactions, as well as documentation enabling the Department's verifiers to trace these sales to Amerport H.K.'s accounting books and records, were provided at verification. Information concerning proof of payment on the Wallace transactions (including accounting ledgers) are, and were at all times, maintained in Hong Kong. In fact, this information was made available for review by company officials during the Hong Kong verification. Bank records provided as Hong Kong verification exhibits substantiate payment of nearly half of the total sales exported to Wallace in the United States. The payment total on the bank credit advice submitted at verification exceeded the sum of the invoice values solely because the Department omitted invoice 121/86 from its calculations. If that invoice had been factored into the calculation, the credit advice total would have matched the sum of the invoice values, demonstrating that these invoices were covered by the credit advice provided at verification, and accounting for all alleged discrepancies regarding Amerport H.K.'s United States sales to Wallace.

If, however, the Department still sees some evidence that each and every invoice does not reveal the actual price paid on sales to Wallace in the United States, the accuracy of these transactions can be established by the fact that Commerce officials verified bank credit advices. Furthermore, these same credit advices had been successfully traced by Price Waterhouse, an independent accounting firm, to accounting ledgers furnished to the Department's verifiers.

Department's position: In verifying Amerport H.K.'s response, we found that payment at the full invoice price did not represent the final price paid by Wallace for the merchandise. At least half of the sales prices listed in the responses for sales to Wallace in the United States were different than the prices listed on the invoices. Amerport H.K. officials stated that the company's subsidiary, Amerport U.S., had granted Wallace discounts on certain invoices without the parent's knowledge. As a result, during our Hong Kong verification, we could only verify the payments made to Amerport H.K. at the full invoice price. It is therefore irrelevant that Amerport H.K.'s bank credit advice total matches the sum of its invoice values.

At verification in the United States, we found documented evidence that Wallace had been granted a discount on certain invoices. This evidence was dated several months after the date of the last payment on the last invoice affected by the "Tier 2" discounts. These "discounts" therefore appeared to have been a type of post-payment rebate. Because we have evidence that a rebate was granted after payment, and since we could not verify the total rebated amount on each sale, we were unable to determine the actual amount paid by Wallace on Amerport H.K.'s United States sales.

Comment 4: The importers argue that the Department's failure to publish any notice of the factual findings and legal conclusions underlying its preliminary use of the best information otherwise available is patently not in accordance with the law. In this regard, it is the importers' position that data submitted concerning Amerport H.K.'s sales to Wallace, which were destined for countries other than the United States or for consumption in Hong Kong, provide the proper basis for determining foreign market value. Alternatively, the foreign market value could be derived using data from CSLI's factors of production response, valued in a surrogate market economy at a similar stage of development.

Department's position: In the preliminary results of review, we fully explained our reasons for using the best information otherwise available. Prior to publication of the preliminary results, we provided copies of all relevant Departmental memoranda to the importers regarding the appropriate measure of United States price. This type of detailed analysis is not generally included in the **Federal Register** notice.

Regarding the foreign market value of Amerport H.K.'s open stock cooking ware sales to Wallace, we have reconsidered our approach for the final results of review and have determined not to use the best information otherwise available for these sales. (See our response to Comment 6.)

Comment 5: Amerport H.K. argues that all of its export sales to Wallace in the United States, and sales through Amerport U.S. to other unrelated customers in the United States, constitute purchase price transactions which should be used for purposes of determining United States price. If the Department considers that the sales transactions between CSLI and Amerport H.K. represent the proper basis for United States price, assuming *arguendo* that the Department's position is legally correct, there is no basis for the Department to conclude that such sales were not adequately substantiated during the course of the verification at CSLI. Thus, there is no basis for using the best information otherwise available.

Department's position: We determine that United States price for cookware sets should be based on the price between CSLI and Amerport H.K., not on Amerport U.S.'s price to the first unrelated purchaser in the United States. After reviewing the documents provided at verification, we found that CSLI knew the final destination of the merchandise prior to the date of sale (refer to the Department's memorandum dated February 22, 1989, concerning date of sale for sets and determining when CSLI knew that the merchandise was destined for the United States). Therefore, in accordance with 19 U.S.C. 1677a(b), we used the price paid by Amerport H.K. to CSLI as the basis for United States price. See Natural Bristle Paint Brushes From the People's Republic of China (55 FR 42599, 42600, October 22, 1990).

With respect to sales of open-stock cookware between Amerport H.K. and Wallace in the United States, we determine that United States price was the price paid by Wallace. For these sales, we found no evidence that CSLI knew the final destination of the merchandise at the time the price was established between itself and Amerport H.K.

Since we could not verify CSLI's total sales, we used the best information otherwise available to determine the final antidumping duty margin. (See our response to Comment 2.) Similarly, since we could not verify the actual amount paid by Wallace on Amerport H.K's sales of open-stock cookware, we used the best information available to determine the United States price. (See our response to Comment 3.)

Comment 6: The importers argue that, pursuant to 19 U.S.C. 1677b(f), Hong Kong should be treated as the country of exportation for the subject merchandise. They further argue that foreign market value should be based on the data submitted regarding Amerport H.K.'s sales to Wallace, both for exportation to countries other than the United States ("third countries") and for domestic consumption in Hong Kong. As the Department's preliminary notice did not address these sales, nor provide any explanation for its use of the best information otherwise available, respondents assume that it is the Department's position that such sales were not adequately verified.

Department's position: As discussed in our response to Comment 2, for all merchandise sold by CSLI to Amerport H.K. that was subsequently resold in the United States through Amerport U.S., we continue to base our antidumping duty on the best information available, as stated in the preliminary results. However, for direct sales of porcelain-on-steel cooking ware from Amerport H.K. to Wallace, because CSLI was unaware of the merchandise's ultimate destination at the time of its sale to Amerport H.K., we have changed the final results of review.

Section 353.47 of the Department's regulations (19 CFR 353.47 (1990)) directs the Department to base foreign market value on sales in an intermediate country where, at the time of sale, the manufacturer of the merchandise does not know the country to which a reseller intends to export the merchandise. For sales between Amerport H.K. and Wallace, we found that, at the time CSLI sold the merchandise to Amerport H.K., CSLI did not know the ultimate destination of the open-stock cooking ware. We therefore determine that for Amerport H.K.'s open-stock sales to Wallace, instead of CSLI's price to Amerport H.K., the price paid by Wallace to Amerport H.K. is the most appropriate basis for foreign market value.

For these particular sales, we were able to rely on the information provided by Amerport H.K. regarding its home and export market sales to Wallace. There were sufficient sales in Amerport H.K.'s home market to allow us to use home market price as the basis for foreign market value. Our analysis of the company's sales data, however, showed that all sales between Amerport H.K. and Wallace in Hong Kong took place during the latter part of the review period, almost one year after Amerport H.K.'s last sale to Wallace in the United States. As such, none of the company's home market sales was contemporaneous with its sales to Wallace in the United States. We therefore selected Amerport H.K.'s sales to Wallace in third countries as the most appropriate basis for foreign market value.

In a very few instances, no contemporaneous third country sales were available for comparison to United States sales of specific cooking ware models. In these instances, we based the foreign market value on the invoice price from the most recent third country sale of that model. This approach provides the Department with a reasonable surrogate for actual sales during the month in question since third country sales prices for open stock cooking ware did not vary over the period of review.

We calculated foreign market value based on Amerport H.K.'s f.o.b., Hong Kong sales price to Wallace in the third country markets. We made deductions from the third country price, where appropriate, for brokerage charges, foreign inland freight, and transit costs. Further, we made circumstance of sales adjustments for bank charges and interest expense and for warranty expenses incurred for defective merchandise.

In deriving the United States price, we used the purchase price from Amerport H.K. to Wallace in the United States since all sales between the two parties were made prior to importation of the merchandise. We calculated the purchase price based on the f.o.b., Hong Kong price from Amerport H.K. to Wallace in the United States.

As discussed in Comment 3, we found at verification that Amerport H.K.'s subsidiary, Amerport U.S., granted post-payment rebates on a number of sales to Wallace in the United States. Because we could not verify the total rebated amount on each sale to Wallace, as best information available, we applied the per unit rebated amount, as reported in Amerport H.K.'s questionnaire response, to all United States sales between Amerport H.K. and Wallace. We also made deductions, where appropriate, for brokerage charges, foreign inland freight, and movement expenses.

Final Results of the Review

Based on our review of the comments received, the final results are changed, in part, from those set forth in the preliminary results of review, and we have determined the margins for the period May 20, 1986 through November 30, 1987 to be:

Manufacturer/third-country reseller	Margin (percent)
China National Light Import and Export Corp., Shanghai Branch/Amerport (H.K.), Ltd.	66.65
China National Light Import and Export Corp., Shanghai Branch/Amerport (H.K.) Ltd./Wallace International, Ltd.	13.76

The Department has indications that there may be an agreement of reimbursement of antidumping duties between certain parties. Any reimbursement of duties to the importer is to result in an equivalent decrease in United States price pursuant to § 353.26 of the Commerce Department's regulations, and a consequent increase in dumping duties. The Department, in its assessment instructions, will advise the U.S. Customs Service to investigate the *bona-fides* of any certificate or non-reimbursement of dumping duties which may be filed by the importer. If no such certificate is filed prior to the liquidation of each customs entry where dumping duties are finally assessed, Customs will be instructed to double the amount of dumping duties on each such entry, to account for reimbursement. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required. This review covers two manufacturers/exporters, CSLI and CSLI/Amerport H.K. All cooking ware manufactured by CSLI and exported to the United States passes through Amerport H.K. Accordingly, Customs has no way of distinguishing between those sales where CSLI is the manufacturer/exporter and those sales where CSLI/Amerport H.K. is the manufacturer/exporter. Since all United States sales by CSLI/Amerport H.K. during the

period of review were made to Wallace, the Department has used Wallace as a convenient identifier for cash deposit purposes. For any further entries of this merchandise from a new manufacturer/exporter, not covered in this administrative review, whose first shipments occurred after November 30, 1987, and who is unrelated to any reviewed firm, a cash deposit of 13.76 percent shall be required. This is in accordance with our practice of using the highest antidumping duty rate not based on the best information otherwise available for all new exporters of the subject merchandise.

These deposit requirements are effective for all shipments of porcelain-on-steel cooking ware from the People's Republic of China entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until the publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Department's regulations.

Dated: October 30, 1990.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-26331 Filed 11-6-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 5, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan. The review covers one exporter of Japanese steel wire strand for prestressed concrete to the United States and consecutive periods from April 1, 1978 through November 30, 1985.

We gave interested parties an opportunity to comment on our preliminary results of review. At the request of Mitsui, we held a hearing on June 9, 1988. Based on our analysis of the comments received, our results are unchanged from those presented in our preliminary results of review.

EFFECTIVE DATE: November 7, 1990.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4195/5255.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 16180) the preliminary results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete ("strand") from Japan. We have now completed the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act"). The substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments of steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. During the review period such merchandise was classifiable under Tariff Schedules of the United States Annotated item number 642.1120. Such merchandise is currently classifiable under HTS item number 7312.10.30.15. The TSUSA and HTS item number are provided for convenience and Customs purposes. The written description remains dispositive. The review covers one exporter of Japanese strand to the United States and consecutive periods from April 1, 1978 through November 30, 1985.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from Mitsui & Co., Ltd. and Mitsui & Co., (U.S.A.), Inc. (collectively Mitsui), the respondents.

Comment 1: Mitsui argues that the Department's use of best information available is unwarranted. Mitsui notes that the Department's normal practice in situations involving trading companies is to use the price from the manufacturer to the trading company (in this case, Mitsui Japan) as the basis of U.S. price (*i.e.*, purchase price) when, as is the case here, the manufacturer knows that the merchandise is destined for the United States. Mitsui argues that the Department would not have used Mitsui USA's reseller data had the Department determined that Mitsui Japan resold strand in the United States at a net price (Mitsui USA's resale price less its U.S. selling expenses) above the price from the Japanese manufacturer to Mitsui Japan. Mitsui contends that the Department already possesses the data it would normally use to calculate margins for Mitsui.

Acknowledging that its original computer tape lacked adequate data for the first two periods, Mitsui submitted a revised computer tape following publication of the preliminary results which Mitsui contends corrected the deficiencies in its original computer submission. Mitsui notes that the Department has already published a preliminary results of review for all manufacturer/exporter combinations involving Mitsui for the first two periods (43 FR 21909, May 20, 1982). Thus, Mitsui argues that the reseller data submitted by Mitsui on computer tape constitutes "clarifying" data or "verification exhibits," data which the Department normally will accept after the publication of the preliminary results. Mitsui urges the Department to use the second computer tape to analyze the first two periods.

Department's position: Mitsui is correct that we would normally rely on the price from the manufacturers to the trading company to analyze these sales. However, Mitsui USA pled guilty in 1982 to Customs fraud, acknowledging that, among other things, it engaged in various illegal practices to circumvent the antidumping finding on Japanese strand. This required that we review Mitsui USA's sales separately. We initiated this review on June 7, 1987 (52 FR 25063). The publication of the earlier preliminary results notice has no relevance to this review.

For this review, we had to determine whether or not, or to what extent, Mitsui USA resold strand in the United States during the review periods at a net price below the price from the Japanese

manufacturers to Mitsui Japan. We were unable to make this determination.

We required that Mitsui provide a transactional database that clearly tied resales of Mitsui USA to purchases from the manufacturer. Mitsui provided an inadequate response to our request for reseller information. Mitsui did not explain how the invoices from Mitsui Japan to Mitsui USA (and the strand prices shown on these invoices) related to the later resales of strand from Mitsui USA to Mitsui's U.S. customers. This deficiency existed for many of Mitsui's first period (April 1, 1978 through March 31, 1979) and second period (April 1, 1979 through November 30, 1980) sales. Such information was also lacking on certain third period (December 1, 1980 through November 30, 1981) and fourth period (December 1, 1981 through November 30, 1982) sales. Additionally, Mitsui did not provide the U.S. selling prices for many of its first and second period and for some of its third and fourth period sales. Also, for all five periods, Mitsui failed to provide various data, including the date of payment from Mitsui's U.S. customers. Finally, we note that Mitsui's original computer tape was untimely submitted, despite our having given the company a reasonable period of time (approximately three months, including extensions) to submit it. Mitsui submitted its second computer tape after we published our preliminary results, and we do not accept submissions following publication of our preliminary results. Mitsui's second computer tape does not constitute verification exhibits or clarifying data, but rather factual data essential to our analysis of Mitsui's sales.

Comment 2: Mitsui argues that the Department "misread" the computer tape that it submitted concerning Mitsui USA's resales of strand to its U.S. customers. Mitsui argues that much of the information that the Department considers to be missing is actually redundant information that is shown elsewhere on Mitsui's computer tape, particularly with regard to periods three, four and five.

Department's position: We disagree. Mitsui did not submit its data in a usable format. (See the Department's response to Comment 1.)

Comment 3: Mitsui notes that the Department reviewed five consecutive periods as a single administrative review. Mitsui argues that the Department should evaluate each review period individually. Specifically, Mitsui contends that the Department should use the best information available only for those periods for which the Department found Mitsui's computer tape to be deficient, *i.e.*, for the first two periods.

Department's position: We reviewed each period separately. For the reasons outlined in our response to Comments 1 and 2, our analysis of Mitsui's computer tape and response indicates that they were deficient for each of the five periods covered in this review. We used as best information available the highest rate from the fair value investigation. Since our analysis resulted in the same rate for all periods, we combined the periods into one review.

Comment 4: Mitsui argues that, if the Department chooses to use the best information available, it should use either the highest rate for a producer during the review period (0.29%) or, alternatively, the highest rate ever used in this case for a trading company (4.5%) rather than the highest fair value rate, which is based on information that is out of date. Mitsui also contends that, because the best information rate chosen for Mitsui is highly punitive, the Department has treated Mitsui unfairly in this review.

Response: We disagree. In deciding what to use as best information available, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information or otherwise impedes the proceeding (19 CFR 353.37(b)). Thus, the Department may determine on a case-by-case basis what is the best information available. In this case we used the highest fair value rate in view of Mitsui's repeated failure to furnish necessary information in a timely manner and in the form required. See the Department's response to Comment 1.

Final Results of Review

Based on our analysis of the comments received, the final results of review are unchanged from those presented in the preliminary results of review. We determine the margin for Mitsui to be 15.80 percent for each of the consecutive periods from April 1, 1978 through November 30, 1985.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Further, as provided for by section 751(a)(1) of the Tariff Act, the Department shall require of Mitsui a cash deposit of estimated antidumping duties based on the above rate. For any shipments from the remaining manufacturers and exporters not covered by this review, the cash deposit will continue to be at the latest rate applicable for those firms (53 FR 9787, March 25, 1988). For any entries of this merchandise by a new firm whose first shipment occurred after November 30 1986, the cash deposit will continue to be zero percent. These cash deposit requirements are effective for all shipments of Japanese strand, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: October 30, 1990.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-26332 Filed 11-6-90; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Western Pacific Crustacean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice that the Western Pacific Fishery Management Council intends to develop a limited access program for the Northwestern Hawaiian Islands lobster fishery.

SUMMARY: NOAA issues this notice that the Western Pacific Regional Fishery Management Council (Council) decided on September 28, 1990, to develop a limited access program for the lobster fishery in the Northwestern Hawaiian Islands (NWHI) and intends to discuss the plan at its February meeting. The date and location of the Council meeting will be announced. The previously announced control date of August 8, 1985 (51 FR 7309, March 3, 1986), may be used as a criterion for eligibility to participate in the fishery, although the limited access program under development may use historical participation in the fishery as well as other factors in establishing effort and access limitation. The purpose of this notice is to inform the public of the possibility of action by the Council. Fishermen or vessel owners entering the fishery should be particularly alert to the possibility that their future participation in the fishery may be limited or denied under the limited access program under development.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Regional Fishery

Management Council, Suite 1405, 1164 Bishop Street, Honolulu, Hawaii 96813, (800) 523–1368 or E. Charles Fullerton, Regional Director, Southwest Region, NMFS, (213) 514–6196.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP) was developed by the Council and implemented under the authority of the Magnuson Fishery Conservation and Management Act. On August 8, 1985, the Council determined that the existing vessels in the NWHI lobster fishery had sufficient capacity to harvest the optimum yield and adopted that date as a control date. Anyone who entered the fishery after that date cannot be assured of future participation if the Council develops, and the Secretary of Commerce implements, a regime that limits the number of participants in the fishery. The Council also stated that alternative ways to establish limited access and to control effort for the fishery should be considered.

No plan was implemented, and the fishery remained stable until recently. However, new concerns from the fishing industry about decreasing catches and size of lobsters have been supported by field research and by the review of logbooks and processor records by the NMFS Honolulu Laboratory. The Council has received testimony that the fishery has suffered from a recruitment failure, and that management measures are needed to ensure future productivity of the stocks.

The Council and NMFS intend to discourage speculative entry into the NWHI lobster fishery while potential management approaches are being developed by the Council to control access to the fishery. While the Council is deciding whether to limit access and/or reduce effort, some fishermen who do not currently fish for lobster in the NWHI, and have never done so, may decide to enter the fishery only to establish a record of commercial lobster landings. This announcement reiterates that the August 8, 1985 control date may be used to determine historical or traditional participation in the NWHI lobster fishery. This does not commit the Council or the Secretary of Commerce to any particular management action for entry to the lobster fishery. Fishermen are not promised future eligibility regardless of when they entered the fishery or the intensity of their participation before or after the control date. Fishermen entering the fishery are notified that their future participation in the fishery may be limited or denied. The Council also may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. The Council also may eventually decide to take no further action to manage the fishery through license limitations.

Persons interested in this subject should contact the Council at the above address for information on its next meeting.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 31, 1990

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 90–26256 Filed 11–6–90; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce,

The Pacific Fishery Management Council and its advisory entities will meet on November 13–16, 1990, at the Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA. Except as noted below, the meetings are open to the public.

The Council will begin the meeting on November 13 at 1 p.m., in closed session (not open to the public) to discuss litigation and personnel matters. The public session will start at 2:30 p.m., to discuss administrative matter and anchovy fishery management issues. The Council is expected to adopt Amendment #6 to the Anchovy Fishery Management Plan (FMP) for submission for Federal review. Amendment #6 defines overfishing, provides for a small reduction fishery at low levels of spawning biomass, and considers habitat and vessel safety issues.

The Council will reconvene the meeting on November 14 at 8:00 a.m., to discuss salmon fishery management issues and habitat matters. Salmon issues include: (1) The 1991 preseason schedule/process; (2) adoption of Amendment #10 to the Salmon FMP; (3) consideration of measures to protect the Sacramento River winter chinook; (4) the status of Columbia River endangered species petitions; (5) a policy on weather-related adjustments to management measures; (6) review of possible changes to estimation procedures, and (7) the scoping process for future Salmon FMP amendments. Amendment #10 to the Salmon FMP includes four issues: (a) achievement of recreational season duration goals between Cape Falcon and Humbug Mountain; (b) modification of the Klamath River fall chinook salmon spawning escapement goal; (c) modification of criteria guiding the non-treaty catch allocation north of Cape Falcon, and (d) a definition for overfishing.

The Council will accept public comments on issues not on its agenda on November 14 at 4 p.m.

The Council will continue its meeting on November 15 and 16 at 8 a.m., to discuss numerous groundfish fishery management issues, including: (1) Trawl gear regulations; (2) approval of a limited entry plan for public hearings; (3) the status of negotiations between the United States and Canada on Pacific whiting allocation; (4) the status of Federal review of Amendment #4 to the Groundfish FMP; (5) final harvest levels and final management measures for 1991; (6) adoption of offshore processor reporting regulations; (7) an observer plan for domestic offshore processing vessels; and (9) the scoping process for future Groundfish FMP amendments. Regarding 1991 groundfish management, the Council will consider, among other things, special measures for managing rockfish, sablefish, Dover sole, thornyheads and whiting. Individual rockfish species of concern include widow rockfish, yellowtail rockfish, bocaccio, and Pacific ocean perch. The Council also will discuss the need for a jack mackerel FMP covering the entire range of the resource.

The *Scientific and Statistical Committee* will meet on November 13 at 9 a.m., to address scientific issues on the Council's agenda, and will reconvene on November 14 at 8 a.m.

The *Habitat Committee* will meet on November 13 to consider timely and relevant issues affecting fish stocks within the Council's area of jurisdiction

The *Salmon Advisory Subpanel* will meet on November 13 at 1 p.m., to address salmon fishery mnagement issues on the Council's agenda. The *Salmon Technical Team* will meet on November 13 at 1 p.m., to address technical salmon fishery management issues on the Council's agenda.

The *Groundfish Advisory Subpanel* will meet on November 13 at 1:00 p.m., to address groundfish fishery management issues on the Council's agenda, and will reconvene on Novvember 14 at 8 a.m.

The *Groundfish Management Team* will meet on November 14 at 1 p.m., to address groundfish fishery management issues on the Council's agenda.

Detailed agendas for the above meetings will be made available to the public after November 1, 1990. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery

Management Council, 2000 SW. First Avenue, Room 420, Portland, OR 97201; telephone: (503) 326-6352.

Dated: November 1, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-26262 Filed 11-6-90; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Statement of Organization, Practices and Procedures

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

Pursuant to section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*, each Regional Fishery Management Council (Council) is responsible for carrying out its functions under the Magnuson Act, in accordance with such uniform standards as are prescribed by the Secretary of Commerce (Secretary). Further, each Council must make available to the public a statement of its organization, practices and procedures (SOPP).

On January 17, 1989, NOAA published in the **Federal Register** (54 FR 1700) a final rule that revised the regulations (50 CFR parts 600, 601, 604, and 605) and guidelines concerning the operation of the Councils under the Magnuson Act. The final rule, effective February 16, 1989, implemented parts of title 1 of Public Law 99-659, amending the Magnuson Act, and among other things, clarified instructions of the Secretary on other statutory requirements affecting the Councils.

In accordance with the above-mentioned final rule, the Gulf of Mexico Fishery Management Council (Gulf Council) has prepared its revised SOPP originally published September 13, 1977 (42 FR 46014). Interested parties may obtain a copy of the Gulf Council's revised SOPP by contacting Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228-2115.

Dated: November 2, 1990.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-26325 Filed 11-6-90; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Rescission of Import Limit and Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

November 2, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs cancelling a limit and a guaranteed access level.

EFFECTIVE DATE: November 2, 1990.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and Jamaica have agreed to cancel the designated consultation level and guaranteed access level for cotton and man-made fiber textile products in Categories 349/649.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (*see* **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also *see* 54 FR 51218, published on December 13, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 2, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Commissioner: Effective on November 2, 1990, this directive cancels only those portions of the directive issued to you on December 6, 1989 by the Chairman, Committee for the Implementation of Textile Agreements, that establish an import limit and a guaranteed access level for cotton and man-made fiber textile products in Categories 349/649, produced or manufactured in Jamaica, and assembled in Jamaica, subject to the Special Access Program, and exported to the United States from Jamaica during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-26327 Filed 11-6-90; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Ada Board Meeting

ACTION: Notice of meeting

SUMMARY: A meeting of the Ada Board will be held Friday, December 14, 1990 from 9 a.m. to 5 p.m. at the Naval Ocean Systems Command (NOSC), Cloud Room, San Diego, California.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Carlson, Ada Information Clearinghouse c/o IIT Research Institute, 4600 Forbes Boulevard, Lanham, Maryland, 20706, (703) 685-1477

Dated: November 2, 1990.

Linda Bynum,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense

[FR Doc. 90-26314 Filed 11-6-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Closed Meeting; Armed Forces Epidemiological Board

AGENCY: Department of the Army, DoD.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

NAME OF COMMITTEE: Armed Forces Epidemiological Board, DOD.

DATE OF MEETING: November 20, 1990.

TIME: 0900-1100.

PLACE: U.S. Army Medical Research and Development Command, Ft. Detrick, MD.

PROPOSED AGENDA: Infectious disease topics.

This will be a closed meeting as classified information will be discussed and reviewed.

FOR FURTHER INFORMATION CONTACT: CPT W.M. Parsons, Executive Secretary,

Armed Forces Epidemiological Board, (703) 756–8018.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 90–26414 Filed 11–6–90; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Government-Owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, DOD.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $1.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487–4650. Request for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATE: November 7, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217–5000, telephone (703) 696–4001.

Patent 4,936,187: Wire-Free Arming System for an Aircraft-Delivered Bomb; filed 20 April 1989; patented 26 June 1990.

Patent 4,936,675: Calibrated Bender for Fiber Optic Cable Position Determination; filed 18 May 1989; patented 26 June 1990.

Patent 4,937,584: Adaptive Phase-shifter Nulling Techniques for Large-Aperture Phased Arrays; filed 22 December 1988; patented 26 June 1990.

Patent 4,937,833: Analog Frequency Modulated Laser Using Magnetostriction; filed 13 November 1989; patented 26 June 1990.

Patent 4,938,026: Heat Engine Based on Shape Memory Alloys; filed 1 December 1989; patented 3 July 1990.

Patent 4,938,136: Resonant Acousticmagnetic Minesweeper; filed 19 January 1976; patented 3 July 1990.

Patent 4,939,041: Metal Film Coatings on Amorphous Metallic Alloys; filed 11 July 1989; patented 3 July 1990.

Patent 4,939,473: Tracking Harmonic Notch Filter; filed 20 March 1989; patented 3 July 1990.

Patent 4,939,697: Variable Focusing Sonar; filed 22 October 1968; patented 3 July 1990.

Patent 4,939,699: Sonar System; filed 8 December 1966; patented 3 July 1990.

Patent 4,939,702: Barrier Sonar; filed 19 July 1966; patented 3 July 1990.

Patent 4,939,995: Integrator and Firing Circuit for Proximity Fuzes; filed 11 November 1974; patented 10 July 1990.

Patent 4,940,891: Automated System for Measuring the Strength of Optical Fibers; filed 22 August 1989; patented 10 July 1990.

Patent 4,941,726: Tapered Fiber Amplifier; filed 31 August 1988; patented 17 July 1990.

Patent 4,941,811: Leakage Path Interconnection for Single Screw Mechanisms; filed 21 December 1988; patented 17 July 1990.

Patent 4,942,580: X-ray Laser with Enhanced X-ray Gain Through Photodepopulation; filed 29 September 1989; patented 17 July 1990.

Patent 4,942,975: Container Connector Having a Skewed Installation Configuration; filed 5 July 1989; patented 24 July 1990.

Patent 4,943,151: A Scheiner-principle Vernier Optometer; filed 23 June 1989; patented 25 July 1990.

Patent 4,943,556: Superconducting Neural Network Computer and Sensor Array; filed 30 September 1988; patented 24 July 1990.

Patent 4,945,813: Rapid Fire, Howitzer; filed 29 March 1976; patented 7 August 1990.

Patent 4,946,522: Liquid Monopropellant for a Gun; filed 15 June 1981; patented 7 August 1990.

Patent 4,948,766: Rigid Mullitewhisker Felt and Method of Preparation; filed 5 August 1988; patented 14 August 1990.

Patent 4,949,314: Method and Means for Increasing Echo-ranging-search Rate; filed 16 August 1966; patented 17 August 1990.

Patent 4,949,643: Anti-tilt Buoy Mooring System; filed 11 July 1974; patented 21 August 1990.

Patent 4,949,920: Ablative Cooling of Aerodynamically Heated Radomes; filed 14 December 1989; patented 21 August 1990.

Patent 4,950,076: Alternate Approach for Obtaining Dynamic Range in Monopulse Guidance Systems; filed 14 September 1976; patented 21 August 1990.

Patent 4,950,936: Piezoelectric Sandwich Polymer Transducer; filed 9 March 1981; patented 21 August 1990.

Patent 4,951,056: Collision Detection System; filed 26 June 1989; patented 21 August 1990.

Patent 4,951,058: Method for Remote Detection of Electronic Bomb Fuze; filed 11 September 1989; patented 21 August 1990.

Patent 4,951,239: Artificial Neural Network Implementation; filed 27 October 1988; patented 21 August 1990.

Patent 4,951,271: Flextensional Hydrophone; filed 17 April 1989; patented 21 August 1990.

Patent 4,951,571: Drum Minesweeper; filed 13 February 1975; patented 28 August 1990.

Patent 4,951,644: Pneumatic Launcher; filed 30 April 1984; patented 28 August 1990.

Patent 4,951,727: Low Storage-volume Closure Device for Curved Surface; filed 29 March 1989; patented 28 August 1990.

Patent 4,952,057: Optical Fiber Backscatter Signature Generator; filed 3 May 1989; patented 28 August 1990.

Patent 4,952,255: Extrudable PBX Molding Powder; filed 2 April 1984; patented 28 August 1990.

Patent 4,952,938: Wire Detector; filed 16 January 1976; patented 28 August 1990.

Patent 4,953,143: Multiple Frequency Synthetic Aperture Sonar; filed 12 January 1981; patented 28 August 1990.

Patent Application 416,616: High Pulse Repetition Frequency Radar Early Warning Receiver; filed 4 October 1989.

Patent Application 489,313: Method of Producing Superconducting Materials in Bulk Form; filed 28 February 1990.

Patent Application 502,969: Hold Down Interconnection Stick; filed 2 April 1990.

Patent Application 507,264: Sheave Assembly; filed 2 April 1990.

Patent Application 516,585: Method of Growing Diamond Film on Substrates; filed 30 April 1990.

Patent Application 526,259: Composites Having High Magnetic Permeability; filed 21 May 1990.

Patent Application 527,978: Force Cable Connect; filed 24 May 1990.

Patent Application 531,416: Phase Modulated High Power Optical Sources; filed 31 May 1990.

Patent Application 542,627: Submarmarine Torpedo Tube Collapsible Choke; filed 18 June 1990.

Patent Application 544,294: Flexible Weapon Handling Support System; filed 20 June 1990.

Patent Application 546,595: Toroidal Computer Memory for Serial and Parallel Processors; filed 26 June 1990.

Patent Application 548,397: Synthetic Aperture Active Underwater Imaging System; filed 5 July 1990.

Patent Application 551,103: M-dimensional Computer With M–1 Dimensional Hyperplane Access; filed 9 July 1990.

Patent Application 553,058: Optical Encoding of Imaging Data; filed 16 July 1990.

Patent Application 553,499: Linear Propelling Separator; filed 13 July 1990.

Patent Application 554,324: Multi-sonobuoy Launch Container With Mechanical Actuator; filed 18 July 1990.

Patent Application 554,509: Heat Engine With Corrugated Nitinol Endless Belt; filed 19 July 1990.

Patent Application 560,703: Method of Producing Glass Fiber With Cores of a Different Material; filed 31 July 1990.

Patent Application 564,892: Launching Projectiles With Hydrogen Gas Generated From Titanium-Water Reactions; filed 7 August 1990.

Patent Application 565,781: Use of Separated Material for Magnetoresistance Sensors; filed 13 August 1990.

Patent Application 479,490: Seawater Hydraulic Band Saw; filed 2 February 1990.

Patent Application 517,011: Window Cooling for High Speed Flight; filed 27 April 1990.

Patent Application 548,331: Diffusion Bonding Process for Aluminum and Aluminum Alloys; filed 3 July 1990.

Patent Application 548,852: Emittance Measuring Device for Charged Particle Beams; filed 5 July 1990.
Patent Application 553,835: BIS(2-Fluoro-2,2-Dinitroethyl) Carbonate, Pentafluorosulfanylimine; filed 18 July 1990.
Patent Application 564,894: Launching Projectiles with Hydrogen Gas Generated From Aluminum; filed 6 August 1990.
Patent Application 576,918: High Loss Solid/Liquid Composite; filed 4 September 1990.

Dated: October 29, 1990.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 90-26289 Filed 11-6-90; 8:45 am]

BILLING CODE 3810-AE-M

Co-Exclusive Patent Licenses, Somatogenics International, Inc., and Vestar, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant co-exclusive patent licenses; Somatogenetics International, Inc., and Vestar, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Somatogenetics International, Inc., and to Vestar, Inc., revocable, nonassignable, co-exclusive licenses to practice the Government-owned inventions described in U.S. Patent No. 4,776,991, "Scaled-Up Production of Liposome-Encapsulated Hemoglobin," issued October 11, 1988, and U.S. Patent No. 4,911,929, "Blood Substitute Comprising Liposome-Encapsulated Hemoglobin," issued March 27, 1990.

Anyone wishing to object to the grant of these licenses has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATES: November 7, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 N. Quincy Street, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: October 29, 1990.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 90-26288 Filed 11-6-90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP91-259-000]

Equitrans, Inc.; Request Under Blanket Authorization

October 31, 1990.

Take notice that the above referenced company (Applicant) filed in Docket No. CP91-259-000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of a shipper under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice request which is on file with the Commission and open to public inspection.

Information applicable to the transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket number and initiation date of the 120-day transaction under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for the shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7(c) of the Natural Gas Act.

Lois D. Cashell,

Secretary.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average, annual	Points of		Start up date, rate schedule	Related [2] dockets
				Receipt	Delivery		
CP91-259-000	Equitrans, Inc	Coastal Gas Marketing Company.	101,208dth 1,000dth 300,000dth	PA, WV	PA, WV	9-1-90; ITS	CP86-553-000, ST91-1016-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

[FR Doc. 90-26270 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-1-15-000]

Mid Louisiana Gas Co.; Proposed Change of Rates

October 31, 1990.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on October 29, 1990, tendered for filing as part of First Revised Volume No. 1 of its FERC Gas Tariff the following Tariff Sheet to become effective November 1, 1990:

	Superseding
Seventy-Seventh Revised Sheet No. 3a.	Substitute Seventy-Sixth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing of Seventy-Seventh Revised Sheet No. 3a is to reflect current gas costs for the month of November 1990.

The Tariff Sheet was filed as an Out of Cycle PGA to reflect the latest estimated gas cost to Mid Louisiana from its various suppliers. The majority of these suppliers have contracts with Mid Louisiana which contain pricing provisions which are tied to the spot market price of gas.

Mid Louisiana requests waiver of the notice requirements of § 154.309 of the Commission's regulations and any other waivers necessary to permit the above Tariff Sheet to become effective November 1, 1990, in order to implement the pricing provisions currently in effect

between Mid Louisiana and its gas suppliers.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 7, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing have been mailed to Mid Louisiana's Jurisdictional Customers and interested State Commissions and are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-26271 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ91-1-59-001]

Northern Natural Gas Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

October 31, 1990.

Take notice that Northern Natural Gas Company, Division of Enron Corp. (Northern), on October 18, 1990, tendered for filing changes in its FERC Gas Tariff, Third Revised Volume No. 1 (Substitute Fifty-Second Revised Sheet No. 4B.1.)

Northern states that on August 31, 1990, Northern filed its Quarterly PGA in Docket No. TQ91-1-5-000 pursuant to § 154.308 of the Commission's Regulations. Northern states that in that filing it established its Base Average Commodity Gas Purchased Cost effective October 1, 1990 as required by the Commission's Order Nos. 483 and 483-A.

Northern states that the revised tariff sheet is being resubmitted due to an inadvertent error in the Cumulated PGA Adjustment in the Argus Drilling, Pumping, and Irrigation Commodity column.

Northern is also requesting any waiver of the Commission's Regulations and its tariff provisions as may be required to permit the above tariff sheet to be accepted for filing and made effective retroactive to October 1, 1990.

Northern states that copies of this letter and attachments have been mailed to each of Northern's gas utility customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before November 7, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-26272 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-185-004]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

October 31, 1990.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 25, 1990, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 3-B.7
Second Revised Sheet No. 43-15

The proposed effective date of these revised tariff sheets is November 1, 1990.

Panhandle states that the Commission's Order issued on October 19, 1990 granted Panhandle's request for rehearing of the Commission's Order dated June 30, 1989 which required that Panhandle post its commodity rate for the billing month by the last day of the preceding month. The Commission has found that the lag in the prior month's spot market price and its incorporation in Panhandle's commodity rate formula "may distort the purchasing decisions of Panhandle's sales customers." The Commission has indicated in its October 19, 1990 Order that adoption of Panhandle's proposal, posting its commodity rate by the fifteenth day of the month for the applicable month, "eliminates this potential distortion."

Panhandle states that this filing reflects revised tariff sheets to the General Terms and Conditions of its FERC Gas Tariff revising language in Section 25.1 to state that a tariff sheet will be filed showing the commodity rates for the applicable month by the fifteenth day of the month the rates will be effective. This change is also reflected on First Revised Sheet No. 3-B.7.

Panhandle states that copies of its filing have been served on all parties, affected jurisdictional customers and appropriate state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such protests should be filed on or before November 7, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-26273 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-115-000, et al.]

Texas Gas Transmission Corp.; Informal Settlement Conference

October 31, 1990.

Take notice that an informal settlement conference will be convened in this proceeding on November 15, 1990, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulation (18 CFR 385.214).

For additional information, contact Donald A. Heydt (202) 208-0248 or Joanne Leveque (202) 208-5705.

Lois D. Cashell,

Secretary.

[FR Doc. 90-26274 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP91-249-000 et al.]

U-T Offshore System; Requests Under Blanket Authorization

October 31, 1990.

Take notice that U-T Offshore System, P.O. Box 1396, Houston, Texas 77251, (Applicant) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued by the Commission's Order No. 509 corresponding to the rates, terms and conditions filed in Docket No. RP89-99-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual mcf	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
Cp91-249-000 (10-26-90)	Louis Dreyfus Energy Corp. (Marketer).	300,000 300,000 109,500,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4937, 8-25-90
CP91-250-000 (10-26-90)	Northern Illinois Gas Company (LDC).	210,000 210,000 76,650,000	OLA	LA	7-1-90, It, Interruptible.	ST90-4801, 8-23-90
CP91-251-000 (10-26-90)	Bishop Pipeline Corporation (Intrastate Pipeline).	200,000 200,000 73,000,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4800, 8-29-90
CP91-252-000 (10-26-90)	Phibro Energy, Inc. (Marketer)	400,000 400,000 146,000,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4914, 8-28-90
CP91-253-000 (10-26-90)	Amoco Gas Company (LDC)	190,000 190,000 69,350,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4818, 8-28-90
CP21-254-000 (10-29-90)	Total Minatome Corporation (Producer).	200,000 200,000 73,000,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4808, 8-25-90
CP91-255-000 (10-29-90)	Western Methane Company (Marketer).	400,000 400,000 146,000,000	OLA	LA	7-1-90, IT, Interruptible.	ST90-4817, 8-28-90

[1] Offshore Louisiana is shown as OLA.

[FR Doc. 90-26275 Filed 11-6-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

Nuclear Science Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and time: Thursday, November 29, 1990, from 9 a.m. to 6 p.m.

Place: Holiday Inn, Lewis Room, 550 C Street, SW., Washington, DC.

Contact: Cathy Hanlin, Division of Nuclear Physics, U.S. Department of Energy, Washington, DC 20545, (301) 353-3613.

Purpose of committee: To advise the Department of Energy and the National Science Foundation on the scientific priorities within the field of basic nuclear science research.

Tentative agena:

- Discussions of the NSAC Subcommittee Reports and NSAC Recommendations on Low Energy Heavy Ion Facilities.
- Public comment.
- Other business.

Public Paticipation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact Cathy Hanlin at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on November 2, 1990.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 90-26299 Filed 11-6-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[Docket No. FE C&E 91-03; Certification Notice-71]

Cimarron Chemical, Inc.; Filing Certification of Compliance: Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant with out the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311(a), Supp. V. 1987.) In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Cimarron Chemical, Inc., Houston, TX	10-30-90	Combine Cycle	95	Johnstown, CO.

Amendments to the FUA on May 21, 1987, (Pub. L. 100-42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586-6769.

Issued in Washington, DC on November 1st, 1990.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 90-26297 Filed 11-6-90; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. FE C&E 91-02; Certification Notice-70]

Wallabout Cogen Partners; Filing Certification of Compliance: Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended, ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311(a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Wallabout Cogen Partners, Brooklyn, NY	10-12-90	Combine Cylce	220	Brooklyn, NY.

Amendments to the FUA on May 21, 1987, (Public Law 100-42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Copies of this self certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586-6769.

Issued in Washington, DC on November 1st, 1990.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.

[FR Doc. 90-26298 Filed 11-6-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; During the Week of July 30 through August 3, 1990

During the week of July 30 through August 3, 1990, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of

Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Franc Pajek Co., 8/3/90; LFA-0057

On July 10, 1990, the Franc Pajek Company (Pajek) filed a second Motion for Reconsideration of a Decision and Order issued to it on May 22, 1990, by the Office of Hearings and Appeals (OHA) of the DOE. In that Decision, the OHA denied Pajek's Appeal from a denial by the Acting Assistant Manager for Administration of the DOE San Francisco Operations Office of a request for Information which Pajek had filed pursuant to the Freedom of Information Act (FOIA). Specifically, the OHA found that Pajek's request for a copy of all of the bids submitted for the Lawrence Livermore National Laboratory's Labor Only Contract RFQ #5724900A should be denied because the requested material was confidential and commercial or financial information within the purview of Exemption 4. In considering the Motion for Reconsideration, the DOE found that Pajek had not demonstrated the existence of any changed circumstances or an error that would warrant a change in its Decision to withhold bid information. Accordingly, the DOE denied Pajek's Motion for Reconsideration.

Government Accountability Project, 8/3/90; LRA-0060

The Government Accountability (GAP) filed an Appeal with the Office of Hearings and Appeals (OHA) from a denial by the Richland Operations Office (ROO) of the DOE of a request for documents under the Freedom of Information Act (FOIA). The GAP challenged the adequacy of the ROO's search. In considering the Appeal, the OHA found that the ROO had conducted an adequate search and therefore denied the Appeal.

Remedial Order

A.V. Wright and Associates, Inc., et al., 8/1/90; HRO-0236

A.V. Wright and Associates, Inc. (Associates), Petroex Energy Corp. (Petroex) and Mr. A.V. Wright (Wright) objected to a Proposed Remedial Order (PRO), which the Economic Regulatory Administration (ERA) issued May 18, 1984, to the firms and to Wright individually. In the PRO, the ERA alleged that Associates and Petroex received illegal revenues totalling $2,970,041.96 as a result of selling crude oil at prices in excess of those permitted by 10 CFR 212.186 during the period January 1978 thorugh July 1980. The DOE determined that the firms' and Wright's objections should be denied. The DOE also determined that Wright's personal liability, for the overcharges resulting from violations by Petroex, should be reduced to the percentage of Petroex owned by Wright. In addition, the DOE determined that liability for interest on certain overcharges should be limited to the amount accrued as of the date of Petroex's and Wright's bankruptcy filings. The DOE therefore concluded that the PRO should be issued as a final Remedial Order, as modified by this Decision and Order. The important issues discussed in the Decision and Order include the DOE's authority to impose personal liability on Wright and the ERA's calculations regarding certain overcharges.

Refund Applications

Alpha Beta Stores, Inc., 8/1/90; RF272-23617, RD272-23617

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Alpha Beta Stores, Inc. (Alpha), based on its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The applicant, a grocery store chain, demonstrated the volume of its claim by using contemporaneous records and reasonable estimates. The applicant was an end-user of the products it claimed and was therefore presumed injured by the DOE. A group of states and territories filed Objections to the Application, contending that the firm was not injured because it was able to pass through to customers any overcharges it suffered due to the elasticities of supply and demand that exist in any industry. The DOE found the States' Objections to be without merit. Accordingly, the DOE granted Alpha a refund of $27,074. The States also filed a Motion for Discovery in connection with the Application which was denied for reasons discussed in earlier Subpart V crude oil Decisions. *See, e.g., Christian Haaland A/S*, 17 DOE ¶ 85,439 (1988).

Burrows Paper Corp., 7/30/90; RF272-49243, RD272-498243

The DOE issued a decision and Order granting a refund from crude oil overcharge funds to Burrows Paper Corporation, based on its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The applicant, a manufacturer of paper, demonstrated the volume of its claim by using contemporaneous records. The applicant was an end-user of the products it claimed and was therefore presumed injured by the DOE. A group of states and territories filed Objections to the Application, contending that the firm was not injured because it was able to pass through to customers any overcharges it suffered due to the elasticities of supply and demand that exist in any industry. The DOE found the States' Objections to be without merit. Accordingly, the DOE granted Burrows a refund of $19,259. The States also filed a Motion for Discovery in connection with the Application, which was denied for reasons discussed in earlier subpart V crude oil Decisions. *See, e.g., Christian Haaland A/S*, 17 DOE ¶ 85,439 (1988).

Exxon Corp./Dona's Exxon, 7/30/90; RF307-10141

The DOE issued a Supplemental Order in the Exxon Corporation special refund proceeding regarding Dona's Exxon (Dona's) (Case No. RF307-7008). In *Exxon Corp./Slocomb Oil Co.*, Case Nos. RF307-1153 *et al.* (July 13, 1990), Dona's was granted a refund of $303 based on its purchases of Exxon refined petroleum products. However, the Decision was returned as undeliverable, and the DOE was subsequently unable to obtain a correct address for this applicant. The refund granted to Dona's was therefore rescinded.

Exxon Corp./Fuel Power, Inc., Ultra Power Corp., 8/3/90; RF307-9586, RF307-9591

The DOE issued a Decision and Order denying two Applications for Refund. Both Applications were filed based on the alleged but undocumented purchases of Exxon products by Fuel Power and Ultra Power. Applicants in the Exxon proceeding are required to submit documentation of the volume of Exxon product they purchased during the consent order period. Under the circumstances, the applicants were found to be ineligible to receive a refund, and the Applications were denied.

Exxon Corp./Mervyn Robert Fleisher, 8/2/90; RF 307-10142

Mervyn Robert Fleisher filed duplicate refund claims, based on the same purchases, both of which were inadvertently granted in the Exxon Corporation special refund proceeding. In order to preclude the issuance of duplicative refunds, the DOE issued a Supplemental Order rescinding the second refund granted to Fleisher in *Exxon Corp./Slocomb Oil Co.*, Case Nos. RF307-1153, *et al.* (July 13, 1990). The amount of the refund rescinded was $1,305.

Exxon Corp./Thorngrove Trading Center, 8/3/90; RF307-5831

The DOE issued a Decision and Order Concerning an Application for Refund filed by Mr. Bill Lee in the Exxon Corporation special refund proceeding. Mr. Lee's Application was based upon purchases of Exxon refined products by the Thorngrove Trading Center. However, Mr. Lee did not own the Thorngrove Trading Center during the Exxon Consent Order period, and the Application was therefore denied.

Gulf Oil Corp./Crossroads Self Service, 8/1/90; RF300-10639

The DOE issued a Decision and Order granting a refund to Crossroads Self Service (Crossroads) in the Gulf Oil Corporation special refund proceeding. The refund was granted under a presumption of injury. Crossroads purchased Gulf petroleum products from B & M Oil, a reseller of Gulf Petroleum products. In Case No. RF300-9076, B & M Oil demonstrated that it was injured by the alleged Gulf's overcharges and received a refund in the Gulf proceeding. B & M Oil's refund was based on 49.5764 percent of its allocable share. As an indirect purchaser supplied by B & M Oil, Crossroads was eligible to receive a refund of 50.4236 percent of its allocable share. Crossroads received a refund of $626, which represents 50.4236 percent of its allocable share.

Gulf Oil Corp./Doug's Gulf Service, 8/2/90; RF300-10425

The DOE issued a Decision and Order Concerning an Application for Refund submitted on behalf of Doug's Gulf Service by Energy Watch, Inc., In the Gulf Oil Corporation special refund proceeding. Energy Watch, Inc., did not provide sufficient documentation to substantiate the full volume of purchases claimed in the Application. Therefore, the refund granted was based upon the customer's volume of purchase material provided in the Gulf I proceeding. That material, however, is limited to purchases made only through January 1976. The Application was approved using a presumption of injury. The refund granted in this Decision, including accrued interest, is $1,018.

Gulf Oil Corp./Flaugh's Service, et al., 8/3/90; RF300-10918, et al.

The DOE issues a Decision and Order concerning seven Applications for Refund submitted by Akin Energy, Inc. (Akin), on behalf of resellers of Gulf refined petroleum products in the Gulf Oil Corporation special refund proceeding. Akin submitted records to document each refund claim and documented the fact that it was authorized to file claims in the Gulf proceeding on behalf of each of the claimants. Each Application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is $12,200.

Gulf Oil Corp./H & L Oil Co., 8/1/90; RF300-5374

The DOE issued a Decision and Order in the Gulf Oil Corporation special refund proceeding concerning an Application for Refund submitted by H & L Oil Company, an indirect purchaser of Gulf refined products. Based on the degree to which H & L's supplier/direct purchaser had been injured, H & L's refund amount was derived by multiplying its allocable share by its direct purchaser's passthrough percentage. The total refund granted in this Decision, which includes both principal and interest, is $323.

James W. Brown, et al., 8/2/90; RF272-68131, et al.

The DOE issued a Decision and Order concerning 25 Applications for Refund filed in the subpart V crude oil special refund proceeding. During the period August 19, 1973, through January 27, 1981, twenty-two of the applicants were resellers of refined petroleum products and the remaining three applicants were engaged in the business of renting and/or leasing motorized vehicles. All 25 applicants are considered resellers for the purposes of the crude oil proceeding. Because none of the applicants demonstrated that they were injured due to crude oil overcharges, they were ineligible for crude oil refund monies. Accordingly, the 25 Applications for Refund were deniend.

Kohler Co., 8/2/90; RF272-29731, RD272-29731

Kohler Co., a manufacturer of plumbing products and supplies, filed an Application for Refund in the subpart V crude oil special refund proceeding. The Applicant certified, based on available records and reasonable estimates, that it purchased 67,512,104 gallons of petroleum products during the crude oil price control period. Rejecting the generalized economic objections filed by a group of States, the DOE found that the end-user presumption of injury should be applied to Kohler Co. The refund was $54,010. A related Motion for Discovery filed by the States was denied.

R.L. White Co. White's Mines, Inc., 8/2/90; RF272-09881, RD272-09881, RF272-78663

R.L. White Co. and White's Mines, Inc., each filed an Application for Refund as an end-user of refined petroleum products in the subpart V crude oil special refund proceeding. Both firms produced and transported crushed stone products and asphaltic concrete paving mixtures. A group of state governments filed statements of objection to the firms' claims, and provided econometric evidence concerning the construction industry as a whole. The DOE determined that the States had failed to produce any convincing evidence to show that either firm had been able to pass on the crude oil overcharges to its customers and found that the States' econometric evidence failed to properly address the individual situations of the applicants. As in previous decisions, the DOE rejected the States' contention that industry-wide data constituted sufficient evidence to rebut the presumption that end-users such as R.L. White Co. and White's Mines, Inc., were injured by crude oil overcharges. A portion of the claim filed by R.L. White Co. was for purchases of flux oil. The DOE found that flux oil is comparable to #6 fuel oil and, consequently, is an eligible product for purposes of the crude oil proceeding. The DOE granted R.L. White Co. a refund of $36,477, based on its approved purchases of 45,595,900 gallons of petroleum products, and granted White's Mines, Inc., a refund of $35,229 on its approved purchases of 44,036,573 gallons. A related Motion for Discovery filed by the States concerning the claim of R.L. White Co. was denied.

Sahuaro Petroleum & Asphalt Co., 7/30/90; RF272-31580, RD272-31580

The DOE issued a Decision and Order in the subpart V crude oil special refund proceeding granting a refund to Sahuaro Petroleum & Asphalt Co. based upon the firm's purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The DOE determined that the evidence offered by a group of States was insufficient to rebut the presumption of end-user injury. Therefore, the applicant should receive a refund. A related Motion for Discovery filed by the States was denied. The amount of the refund granted in this Decision, including accrued interest, is $18,746.

Standard Oil Co. (Indiana)/Coline Gasoline Corp/Maine, 8/1/90; RQ251-557, RQ2-558

The State of Maine received permission to use a total of $122,601 of Amoco Corporation and Coline Gasoline Corporation consent order funds for the initiation of a new restitutionary program. Specifically, the State will implement the Home Energy Rating System (HERS) program, providing energy efficiency ratings of home participating in the program and,

ultimately, market-based incentives for energy-efficient housing investments. Maine's second-stage Applications for Refund were approved in full, because the HERS program should reduce the fuel consumption of the State's home owners and buyers.

Standard Oil Co. (Indiana)/Nebraska, 8/3/90; RM251-211

The DOE issued a Decision and Order granting a Motion for Modification filed by the State of Nebraska in the Standard Oil Co. (Indiana) special refund proceeding. Nebraska requested permission to extend the deadline of the Energy Marketing and Media Series Project that the OHA approved in *Standard Oil Company/Nebraska*, 15 DOE 85,043 (1986) until April 30, 1991. The DOE approved the extension, finding that the extension of the program for these additional months would not compromise the DOE requirement that restitution to injured consumers be provided in a timely fashion.

Standard Products Co., Inc. American Fructose-Decatur, Inc., 7/30/90; RF272-8750, RD272-8750, RD 272-8865, RD272-8865

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to Standard Products Company, Inc., and American Fructose-Decatur, Inc., based on their purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The applicants are both manufacturers of food products and demonstrated the volumes of their purchases with contemporaneous refined petroleum records. Both applicants were end-users of the refined petroleum products they purchased and were therefore presumed injured by the DOE. A group of States and territories filed Objections to the Applications, contending that the firms were not injured because they were able to pass through to customers any overcharges due to the elasticities of supply and demand that exist in any industry. The States also argued that the food and food processing industry in general did not suffer injury becuase food is a necessity that customers will purchase despite increases in price. The DOE found the States' Objections to be without merit. Accordingly, the DOE granted the applicants refunds totalling $62,849. All related Motions for Discovery were denied for reasons discussed in earlier subpart V crude oil Decisions. *See, e.g., Christian Haeland A/S*, 17 DOE ¶ 85,439 (1988).

Texaco Inc./Elks Texaco, 7/30/90; RF321-5043, RF321-6201

The DOE issued a Decision and Order concerning the duplicate Applications for Refund filed by Elks Texaco in the Texaco Inc. subpart V special refund proceeding. The Applications were denied because one of the submissions falsely certified that it was the sole refund claim filed by Elks.

Texaco Inc./M&H Texaco #1 M&H Texaco #2, 8/3/90; RF321-636, RF321-637, RF321-6114, RF321-6115

The DOE issued a Decision and Order denying duplicate Applications for Refund filed by M&H Texaco #1 and #2 in the Texaco Inc. subpart V special refund proceeding. In each of the duplicate filings, the respective applicants falsely certified that it had filed only one refund Application in the Texaco proceeding. In view of these false certifications, the DOE determined that the Applications should be denied.

Texaco Inc./Medcenter Texaco Upshaw Texaco, 8/2/90; RF321-693, RF321-1435

The DOE issued a Decision and Order denying duplicate Applications for Refund filed by the same individual under the names Medcenter Texaco and Upshaw Texaco in the Texaco Inc. subpart V special refund proceeding. Because the initial Applications had been signed prior to the issuance of the Decision and Order implementing the Texaco refund proceeding, the applicant was required to recertify the Applications. The applicant filed two recertifications, each of which stated that it was the sole Application for Refund that had been filed in the Texaco proceeding. In view of these false certifications, the DOE determined that both Applications should be denied.

Texaco Inc./N&L Texaco, 8/3/90; RF321-5906, RF321-6246

The DOE issued a Decision and Order denying two duplicate Applications for Refund filed on behalf of N&L Texaco in the Texaco Inc. Subpart V special refund proceeding. Each of the Applications were based upon the same purchases and both certified that the applicant had filed only one Application in the Texaco proceeding. In view of the false certification, the DOE determined that both applications should be denied.

Texaco Inc./Sadler Texaco, 7/30/90; RF321-466, RF321-4555

The DOE issued a Decision and Order denying duplicate Applications for Refund filed by Sadler Texaco in the Texaco Inc. subpart V special refund proceeding. Both Applications were denied because one of the claims falsely represented that it was the sole Application filed by the firm in the Texaco proceeding.

Texaco Inc./Trade Winds Texaco, 8/1/90; RF321-1419, RF321-6136

The DOE issued a Decision and Order denying duplicate Applications for Refund filed by Trade Winds Texaco in the Texaco Inc. subpart V special refund proceeding. Both Applications were denied, because one of the submissions falsely certified that it was the only refund claim filed by the firm in the Texaco proceeding.

Texaco Inc./ Vince Eastside Texaco Vincent's Texaco, 8/2/90; RF321-1457, RF321-1458

The DOE issued a Decision and Order denying duplicate Applications for Refund filed under the names Vince Eastside Texaco and Vincent's Texaco in the Texaco Inc. subpart V special refund processing. Because both Applications had been signed prior to the issuance of the Decision and Order implementing the Texaco proceeding, the applicant was required to recertify the Applications. Two recertifications were filed, each of which certified that the applicant had filed only one refund Application in the Texaco proceeding. In view of these false certifications, the DOE determined that both Applications should be denied.

United Garage & Service Corp., 8/2/90; RF272-49860

The DOE issued a Decision and Order granting a partial refund from crude oil overcharge funds to United Garage & Service Corp., based upon its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981. The applicant, the owner of a fleet of taxicabs, stated in its Application that it purchased 10,098,934 gallons of refined petroleum products during the refund period. The submission was adjusted to eliminate a portion of the claimed purchases, because during June 1977, United became a leasing company and began to resell motor gasoline to its drivers. The DOE determined that after this point United should be considered a retainer and, therefore, is ineligible to receive a refund under the end-user presumption of injury. Accordingly, the DOE granted the applicant a refund of $4,945, based on a reduced gallonage total of 6,180,744.

Refund Applications

The Office of Hearings and Appeals granted refunds to refund applicants in the following Decisions and Orders:

Name	Case No.	Date
Atlantic Richfield Co./ B&B, *et al.*	RF304-0551	7/30/90
Atlantic Richfield Co./Roy Emge Brake Service. *et al.*	RF304-2257	7/30/90
Patrons Oil Co.	RF272-58030	8/3/90
Shell Oil Co./ Graymont Standard, *et al.*	RF315-9480	8/1/90
Shell Oil Co./ Nolen W. Wein, *et al.*	RF315-163	8/1/90
Shell Oil Co./Piatt & Son Oil Company, *et al.*	RF315-8460	8/1/90
St. Lukes/ Roosevelt Hospital Center	RF272-78860	8/2/90
Texaco Inc./ Skip's Texaco, *et al.*	RF321-504	7/30/90
The Mount Sinai Medical Center	RF272-25571	8/1/90
Undelee Trucking, Inc., *et al.*	RF272-69005	8/1/90

Dismissals

The following submissions were dismissed:

Name	Case No.
American Cyanamid	RF307-9679
B.F. Goodrich Chemical Co.	RF307-5046
Bahu's Arco #1	RF304-11220
Bert N. Loop's Tune Up	RF321-820
Bordonaro's Exxon	RF307-8956
City of Peoria	RF272-76219
Clayton County Board of Education	RF272-76157
Dick Brown's Texaco	RF321-7044
Dickerson Texaco	RF321-3391
Duane's Skelly Service *et al.* (See Attached List)	RF321-2374
Fleet Transport Co., Inc.	RF309-102
Gaughan Service	RF307-8896
Ideal Forging Corp.	RF272-33496
James Brown	RF304-7479
Jo-Ed Exxon	RF307-8893
Joy Manufacturing Co.	RF307-5862
L&M Cavanaugh	RF303-5058
Lawthorne Brothers, Inc.	RF272-5173
Lincoln Avenue Car Wash	RF304-4286
Los Altos Arco AM/PM	RF304-4966
	RF304-5103
	RF304-5174
	RF304-5419
Memphis City Schools	RF315-9159
Mitchell J. Cavanaugh	RF304-5998
Nelson Oil Co.	RF315-9763
Randolph County Commission	RF272-76341
Rebel Enterprises	RF300-11174
Richard McRae	RF304-8083
Sales & Service Int., Inc.	RF304-4641
Service America Corporation	RF304-7616
Skaggs-Walsh, Inc.	RF307-9539
Tenneco Oil Company	RF304-4680
Tuscaloosa County Board of Education	RF272-76143

RF321-2374
Duane's Skelly Service
c/o Duane D. Myszka
116 Main St.
Marathon, WI 54448
RF321-2375
Marathon Oil Co.
c/o Duane D. Myszka
Chestnut St.
Marathon, WI 54448
RF321-2376
Carl's Texaco
c/o Carl Martin
Bus 71 & 52
Butler, MO 64730
RF321-2393
Alamo Getty Service
c/o James Zinken
410 Highway 10-52
St. Cloud, MN 56304
RF321-2395
Dick's Texaco & Towing Inc.
c/o Richard E. Berg
101 South Broadway
New Uhm, MN 56073
RF321-2404
Old Central Getty
c/o Michael Kittis
P.O. Box 612
Wrightstown, NJ 08562
RF321-2409
Hreno's Circle Service, Inc.
c/o Peter Hreno
38 Orchard Dr.
Clifton, NJ 07012
RF321-2411
Powell Skelgas
c/o John Powell
926 Spruce
Kingman, KS 67068
RF321-2465
Don's Skelly Service
c/o Donald E. Rude
201 East Water St.
Decorah, IA 52101
RF321-2745
Dan's Getty
c/o George P. Conklin
921 Montgomery St.
Jersey City, NJ 07306

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 31, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90-26300 Filed 11-6-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3857-9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In Compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collection and their expected costs and burdens; where appropriate, they include the actual data collection instruments.

DATES: Comments must be submitted on or before December 7, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Administration and Resources Management

Title: Contractor's Cumulative Claim and Reconciliation (EPA ICR #246.04; OMB #2030-0016). This ICR requests reinstatement of an expired clearance.

Abstract: Contractors, at the completion of a cost-type contract, submit a one-time report of final costs incurred under the contract. Costs reported include direct labor, materials, supplies, equipment, other direct charges, subcontracting, consultant fees, indirect costs and fixed fees. EPA will use this information to reconcile the contractor's costs incurred on cost reimbursable contracts with Agency records.

Burden Statement: The public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Businesses, small businesss and non-profit institutions who have completed cost-type contracts with the Environmental Protection Agency.

Estimated Number of Respondents: 265.

Estimated Total Annual Burden on Respondents: 132 hours.

Frequency of Collection: Once per contract, at its completion.

Title: Invitation for Bids (IFB) and Request for Proposals (RFP) (EPA ICR #1038.05: OMB # 2030–0007). This ICR requests renewal of the existing clearance.

Abstract: Firms that are interested in providing supplies or services to the Agency supply informaton on previous contracts performed, cost and pricing data, and technical information. This clearance includes new requirements proposed in the Federal Register on February 20, 1990 and October 4, 1990. The February proposal requires more detailed cost and pricing data from respondents. The October proposal requires respondents to provide additional information on the underlying assumptions in support of proposed category and individual labor rates, to propose the full amount of any travel or other direct costs, to propose a standard work year for acquisitions that require a fully dedicated staff and to identify any management or management support costs to be charged as direct costs. Respondents submit reports when the Agency announces a need for supplies or services that they are capable of providing. EPA will use this information to determine which firm's offer is most suited to the Agency's requirements.

Burden Statement: The public reporting burden for this collection of information is estimated to average 269 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Businesses, small businesses and non-profit institutions that are interested in providing services or supplies to the Agency.

Estimated Number of Respondents: 1335.

Estimated Total Annual Burden on Respondents: 359,400 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimates, or any other aspect of these information collections, including suggestions for reducing the burdens, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M Street SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20530.

OMB Responses to Agency PRA Clearance Requests

EPA ICR # 1037.03; Oral Purchase Orders; was approved 10/10/90; OMB #2030–0007; expires 10/31/93.

EPA ICR # 0370.10; Underground Injection Control Program Information; was approved 09/28/90; OMB # 2040–0042; expires 09/30/91.

Dated: November 1, 1990.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 90–26323 Filed 11–6–90; 8:45 am]

BILLING CODE 6560–50–M

[OPP–00296; FRL–3838–9]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) to review a set of scientific issues being considered by the Agency in connection with the peer review of Procymidone. The meeting will be open to the public.

DATES: The meeting will be held on Friday, November 30, 1990, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn-Crowne Plaza, 300 Army Navy Drive, Arlington, VA, (703) 892–4100.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, -Designated Federal Official, FIFRA Scientific Advisory Panel (H7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 821C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703) 557–4369/2244.

Copies of documents concerning Procymidone may be obtained by contacting by mail: Public Docket and Freedom of Information Section, Field Operations Division (H7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 244 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557–2805.

SUPPLEMENTARY INFORMATION: The agenda for this meeting includes review of the scientific issues being considered by the Agency in connection with the peer review of Procymidone.

Any member of the public wishing to submit written comments should contact Robert B. Jaeger at the address or the phone number listed under the **FOR FURTHER INFORMATION CONTACT** unit to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice to the Designated Federal Official, interested persons may be permitted by the chairman of the Scientific Advisory Panel to present oral statements at the meeting. There is no limit on written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket will be available for inspection in Rm. 244 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. All statements will be made part of the record and will be taken into consideration by the Panel.

Persons wishing to make oral and/or written statements should notify the Designated Federal Official and submit 10 copies of a summary no later than November 21, 1990, in order to ensure appropriate consideration by the Panel.

Dated: October 31, 1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 90–26235 Filed 11–6–90; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 90–436; DA 90–1272]

Public Land Mobile Service, Pass Word, Inc.

AGENCY: Federal Communications Commission.

ACTION: Order designating an application for hearing.

SUMMARY: An assignment application was designated for hearing to determine whether the proposed assignee and its

principals have the requisite qualifications to be a radio common carrier licensee of the Commission. The Commission had revoked the licenses of the assignee and its President about ten years ago for serious misconduct. The hearing will determine whether the proposed assignee and its President have been rehabilitated sufficiently to hold a common carrier license.

DATES: The Order was released on October 19, 1990. Notices of appearance by those named as parties in the Order are due November 13, 1990. The pre-hearing conference date will be specified in a later order.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mobile Services Division, Common Carrier Bureau (202) 632-6450.

SUPPLEMENTARY INFORMATION: The Order was adopted on September 24, 1990 and released on October 19, 1990. The issues designated are as follows:.

(1) To determine in light of the findings in *Pass Word, Inc., 76* F.C.C.2d 465 (1980), *recon. denied,* 86 F.C.C.2d 437 (1981), *affirmed sub nom. Pass Word, Inc.* v. *FCC,* 673 F.2d 1363 (D.C. Cir. 1982), *cert. denied,* 459 U.S. 840 (1982), and the record to be adduced with respect to the conduct of Pass Word, Inc. and Mr. Rodney J. Bacon since the revocation of their PLMS licenses, whether Pass Word, Inc. and its principals possess the requisite qualifications to be a radio common carrier licensee of this Commission.

(2) To determine in light of the matters presented with respect to the foregoing issues, whether grant of the above-captioned assignment application would serve the public interest, convenience and necessity.

Federal Communications Commission.

Richard M. Firestone,

Chief, Common Carrier Bureau.

[FR Doc. 90-26338 Filed 11-6-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-881-DR]

South Carolina; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carolina (FEMA-881-DR), dated October 22, 1990, and related determinations.

DATED: October 25, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of South Carolina, dated October 22, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 22, 1990:

The counties of Edgefield and Florence for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-26305 Filed 11-6-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-881-DR]

South Carolina; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carolina (FEMA-881-DR), dated October 22, 1990, and related determinations.

DATES: October 26, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of South Carolina, dated October 22, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 22, 1990:

The counties of Edgefield and Florence for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-26306 Filed 11-6-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-881-DR]

South Carolina; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carloina (FEMA-881-DR), dated October 22, 1990, and related determinations.

DATED: October 28, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of South Carolina, dated October 22, 1990, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in this declaration of October 22, 1990:

Orangeburg County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-26037 Filed 11-6-90; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-881-DR]

South Carolina; Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carolina (FEMA-881-DR), dated October 22, 1990, and related determinations.

DATED: October 28, 1990.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614).

NOTICE: Notice is hereby given that the incident period for this disaster is closed effective October 28, 1990.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 90-26308 Filed 11-6-90; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Key Centurion Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 26, 1990.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Key Centurion Bancshares, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares of Spectrum Financial Corporation, Wheeling, West Virginia, and thereby indirectly acquire Security National Bank & Trust Co., Wheeling, West Virginia, and The First Naitonal Bank of New Martinsville, New Martinsville, West Virginia.

2. *SPC Acquisition Company*, Wheeling, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Spectrum Financial Corporation, Wheeling, West Virginia, and thereby indirectly acquire Security National Bank & Trust Co., Wheeling, West Virginia, and The First National Bank of New Martinvsille, New Martinsville, West Virginia.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Waterford Bancshares, Inc.*, Waterford, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Waterford Bank, Waterford, Wisconsin.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Security Corporation*, Duncan, Oklahoma; to acquire 9.14 percent of the voting shares of Charter Bancshares, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Charter National Bank, Oklahoma City, Oklahoma.

2. *Security Corporation*, Duncan, Oklahoma; to acquire 100 percent of the voting shares of Exchange Financial Corporation, Ardmore, Oklahoma, and thereby indirectly acquire Exchange National Corporation, Ardmore, Oklahoma, and Exchange National Bank & Trust Co., Ardmore, Oklahoma.

3. *Security Corporation*, Duncan, Oklahoma; to merge with Security Exchange Bancorp, Inc., Duncan, Oklahoma, and thereby indirectly acquire American National Bank of Duncan, Duncan, Oklahoma; Charter Bancshares, Inc., Oklahoma City, Oklahoma, and thereby indrectly acquire Charter National Bank, Oklahoma City, Oklahoma; Exchange Financial Corporation, Ardmore, Oklahoma, and thereby indirectly acquire Exchange National Corporation, Ardmore, Oklahoma, and Exchange National Bank and Trust Co., Ardmore, Oklahoma.

Board of Governors of the Federal Reserve System, October 31, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-26278 Filed 11-6-90; 8:45 am]

BILLING CODE 6210-01-M

Martinsburg Bancorp, Inc.; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any requests for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1990.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Martinsburg Bancorp, Inc.*, Martinsburg, Missouri; to engage *de novo* in the sale of credit related insurance sold in connection with extensions of credit made by the subsidiary bank and in any insurance agency activity in a bank holding company with total consolidated assets of $50 million or less pursuant to § 225.25(b)(8)(i) and (vi) of the Board's Regulation Y. The activity will be generally within but not limited to a 50 mile radius of Mexico, Missouri.

Board of Governors of the Federal Reserve System, October 31, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-26279 Filed 11-6-90; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 101590 AND 102690

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN No.	Date terminated
PacifiCorp, Pinnacle West Capital Corporation, Arizona Public Service Company	90-2232	10/15/90
Enron Corp., USX Corporation, TXO Production Corporation	90-2233	10/15/90
Metallgesellschaft AG, Robert A. Hay, Bishop Pipeline Corporation	90-2251	10/15/90
The Columbia Gas System, Inc., The Columbia Gas System, Inc., COLEVE Joint Venture	91-0002	10/15/90
John N. Kapoor, Sutter Health, O.P.T.I.O.N. Care, Inc.	91-0016	10/15/90
President and Fellows of Harvard College, Price Communications Corporation, PriCellular Corporation	91-0019	10/15/90
Huffy Corporation, The Black & Decker Corporation, True Temper Hardware (U.S.)	91-0024	10/15/90
Union Pacific Corporation, Oryx Energy Company, Sun Operating Limited Partnership	90-2197	10/16/90
Western Gas Processors, Ltd., Burlington Resources Inc., El Paso Natural Gas Co	90-2212	10/16/90
Holderbank Financiere Glaris Ltd., RPM, Inc., Euclid Chemical Company	90-2235	10/16/90
The Interpublic Group of Companies, Inc., The Lowe Group plc, The Lowe Group plc	91-0011	10/16/90
Fimedi S.p.A., The Estate of Marcus T. Barrett, Jr., Barlite, Inc	90-2172	10/17/90
Vigier Cement Ltd., The Estate of Marcus T. Barrett, Jr., Barlite, Inc	90-2173	10/17/90
William Olsten, The Upjohn Company, Upjohn HealthCare Services, Inc., Health Care Services	90-2192	10/17/90
Thomas R. Shelton, Hillsdown Holdings, PLC, Breeden Holdings, Inc	90-2206	10/17/90
Ryder System, Inc., Robert S. Abrams, United Truck Leasing Corporation	90-2210	10/17/90
JWP Inc., Michael S. and Margo M. Gordsky, Harry Gordsky & Co., Inc. and Grodsky Service, Inc	90-2236	10/17/90
MTM Plc, Ethyl Corporation, Hardwicke Chemical Company	90-2199	10/18/90
Amerada Hess Corporation, Phillips Petroleum Company, Phillips 66 Company	90-2219	10/18/90
Portland General Corporation, Bonneville Pacific Corporation, Bonneville Pacific Corporation	90-2222	10/19/90
Deere & Company, Re Capital Corporation, Re Capital Corporation	90-2228	10/19/90
Amerada Hess Corporation, British Gas PLC, North Sea, Inc	90-2230	10/19/90
Compagnie Financiere et de Reassurance du Groupe AG, N.V. AMEV, AG 1990 (Nederland) N.V	90-2260	10/19/90
John R. Lauritzen, Bruncor Inc.**, Diversified Financial Services, Inc	91-0013	10/19/90
The Estate of James Campbell, Deceased, CMANE-Hyannis Retail Limited Partnership, Hyannies Festival Limited Partnership	91-0017	10/19/90
Permian Health Care, Inc., American Medical Holdings, Inc., New H Arroyo Grande, Inc. and New H Circle City, Inc	91-0033	10/19/90
Arnold E. Ditri, Equity Holdings Limited, Hedstrom Corporation	91-0036	10/19/90
Alonzo F. and Norris B. Herndon Foundation, Inc., Chicago Metropolitan Mutual Assurance Company, Chicago Metropolitan Mutual Assurance Company	91-0048	10/19/90
First Wachovia Corporation, Arkansas Federal Corporation, Arkansas Federal Savings Bank	90-2223	10/22/90
Follett Corporation, Edward J. Brennan, Jr., Brennan College Service, Inc	90-2225	10/22/90
Bridge Oil Limited, USX Corporation, TXO Production Corp	90-2250	10/22/90
Fuqua Industries, Inc., Stillbrooke Corporation, Stillbrooke Corporation	91-0030	10/22/90
Kjell Inge Rokke, Fletcher Challenge Limited, Panpac Corporation	91-0037	10/22/90
Wal-Mart Stores, Inc., R. Drayton McLane, McLane Company, Inc	91-0043	10/22/90
R. Drayton McLane, Jr., Wal-Mart Stores, Inc., Wal-Mart Stores, Inc	91-0044	10/22/90
Marmon Holdings, Inc., Metropolitan Milwaukee Association of Commerce, Inc., Credit Bureau of Milwaukee, Incorporated	90-2224	10/23/90
Anders Althin, c/o Althin Medical AB, The Dow Chemical Company, CD Medical, Inc	91-0007	10/23/90
Tyco Toys, Inc., Stanley Cohen, Playtime Products, Inc. and Playtime Electronics, Ltd	90-2214	10/24/90
NGP No. I, L.P., Penrod Holding Corporation (Joint Venture), Penrod Holding Corporation (Joint Venture)	90-2221	10/24/90
JUSCO Co., Ltd., Laura Ashley Holdings plc, Revman Industries	90-2234	10/24/90
TIE/Communications, Inc., Bell Atlantic Corporation, Telecommunications Specialists, Inc	90-2239	10/24/90
Diebold, Incorporated, International Business Machines Corporation, National Services Division	90-2240	10/24/90
The Summit Trust Co. as Trustee U/T/A dated 11/15/89, Penrod Holding Corporation (Joint Venture), Penrod Holding Corporation (Joint Venture)	90-2244	10/24/90
The Summit Trust Co. as Trustee U/T/A dated 11/27/89, Penrod Holding Corporation (Joint Venture), Penrod Holding Corporation (Joint Venture)	90-2245	10/24/90
The Summit Trust Co. as Trustee U/T/A Dated 03/01/90, Penrod Holding Corporation (Joint Venture), Penrod Holding Corporation (Joint Venture)	90-2246	10/24/90

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 101590 AND 102690—Continued

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN No.	Date terminated
The Summitt Trust Co. as Trustee U/T/A Dated 04/15/90, Penrod Holding Corporation (Joint Venture), Penrod Holding Corporation (Joint Venture)	90-2247	10/24/90
Schering Aktiengesellschaft, Berlin and Bergkamen, Royal Dutch Petroleum Company, Triton Biosciences Inc	90-2257	10/24/90
Ecolab, Inc., Unnamed Joint Venture Corporation, Unnamed Joint Venture Corporation	90-2259	10/24/90
Henkel KGaA, Unnamed Joint Venture Corporation, Unnamed Joint Venture Corporation	91-0027	10/24/90
Henkel, KGaA, Ecolab, Inc., Ecolab, Inc	91-0035	10/24/90
Langenscheidt KG, Maxwell Communications PLC, P. F. Collier, Inc	91-0045	10/24/90
BC Sugar Refinery, Limited, Jannock Limited, 171266 Canada Inc	90-2220	10/26/90
American Express Company, Illinois Central Corporation, Illinois Central Corporation	91-0040	10/26/90
Waste Management, Inc., The Brand Companies, Inc., The Brand Companies, Inc	91-0052	10/26/90
Shearson Lehman Hutton Merchant Banking Portfolio LP, Illinois Central Corporation, Illinois Central Corporation	91-0054	10/26/90
Hall-Houston Offshore (Partnership), Hall-Houston Oil Company (Delaware)-Joint Venture, Hall-Houston Oil Company, (Delaware)-Joint Venture	91-0055	10/26/90
Mr. Serge Varsano, Machado & Co., Inc., Machado, & Co., Inc	91-0067	10/26/90
Conseco, Inc., CalFed Inc., Beneficial Standard Life Insurance Company	91-0078	10/26/90

FOR FURTHER INFORMATION CONTACT:
Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20590, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-26286 Filed 11-6-90; 8:45 am]

BILLING CODE 6750-01-M

[Docket No. C-3308]

Money Money Money, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a California corporation and its officer, that create and distribute television programs commercials for various products, from selling broadcasting, or disseminating the "Government Grants" commercial, which purports to show people how to secure government grants. The consent order also prohibits respondents from making unsubstantiated claims; from using, publishing or referring to any endorsement, unless it reflects the honest opinion of the endorser, in any future advertisements; and from making any commercial that misrepresents that it is an independent program and not a paid commercial. In addition, the consent order required respondents to turn over $175,000 to the FTC to be used to establish a consumer redress fund.

DATES: Complaint and order issued October 2, 1990.[1]

FOR FURTHER INFORMATION CONTACT:
Steven Shaffer or Jeffrey Klurfeld, San Francisco Regional Office, Federal Trade Commission, 901 Market St., suite 570, San Francisco, CA. 94103. (415) 744-7920.

SUPPLEMENTARY INFORMATION: On Tuesday, July 3, 1990, there was published in the **Federal Register**, 55 FR 27501, a proposed consent agreement with analysis In the Matter of Money Money Money, Inc., *et al.*, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

(Section 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 90-26285 Filed 11-6-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Notice of Hearing: Reconsideration of Disapproval of Florida State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 18, 1990, in Room 512, 101 Marietta Street, Atlanta, Georgia to reconsider our decision to disapprove Florida State Plan Amendment 90-11

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by November 23, 1990.

FOR FURTHER INFORMATION CONTACT:
Docket Clerk, HCFA Hearing Staff, Suite 110, Security Office Park, 7000 Security Blvd. Baltimore, Maryland 21207, Telephone: (301) 597-3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Florida State Plan amendment (SPA) number 90-11.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Florida SPA 90–11 contains a list of Medicaid obstetrical and pediatric payment rates, various assurances pertaining to these payment rates, and physician participation data for the State as a whole. The State also submitted a statement on obstetrical and pediatric reimbursement in a Health Maintenance Organization (HMO). No other data are included.

The issue in this matter is whether SPA 90–11 meets the statutory provisions of section 1926 of the Act. The provisions require that the Secretary determine that the State is in compliance with section 1902(a)(30)(A) of the Act based upon the data submitted by the State.

Section 1926 of the Act as added by section 6402 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89), Public Law 101–239, requires that by no later than April 1 of each year (beginning in 1990), States are to submit plan amendments specifying their payment rates for obstetrical practitioner services and pediatric practitioner services. States must also provide specific information to document that those payment rates are sufficient to enlist enough providers such that obstetrical and pediatric services are available to Medicaid recipients at least to the extent that such services are available to the general population in the geographic area (section 1902(a)(30)(A) of the Act).

OBRA 89 was passed on December 19, 1989, and HCFA is developing its final policy concerning what is required to determine that the State is in compliance with section 1902(a)(30)(A) of the Act. HCFA has, however, initially determined that for obstetrical and pediatric rate SPA's to be approvable, they must include the following:

1. Payment rates for this year and next year (i.e. 1990 and 1991) for those obstetrical and pediatric services covered under the State plan. Pediatric rates must be specified by procedure and HCFA recommends the same format be followed for obstetrical services.

2. Data that document that payment rates for obstetrical and pediatric services are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area; and

3. Data that document that payment rates to HMOs under 1903(m) of the Act take into account the payment rates specified in number 1 above.

HCFA has also developed several guidelines that, if met by the State, would evidence that the State meets the statutory requirements of section 1926 of the Act. These guidelines are set forth in a draft State Medicaid manual revision dated March 26, 1990.

Based upon HCFA's review of the data submitted, HCFA determined that the Florida amendment does not comply with the statutory requirements of section 1926 of the Act, and, thus, also does not comply with section 1902(a)(30)(A). The State has argued that its submittal meets the statutory requirements of sections 1902(a)(30)(A) and 1926 of the Act under guideline 1 of the draft State Medicaid manual revision. This guideline permits States to document compliance with the statute by submitting data showing that at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants or that Medicaid participation is at the same rate as Blue Shield participation. The State indicates "51.7 percent of medical doctors in Florida accept Medicaid." HCFA believes what the rate of participation is for obstetrical and pediatric practitioners. However, data are not presented on an appropriate substate geographic basis. Without substate data, HCFA believes it cannot evaluate the possibility of significant variations in access to obstetrical and pediatric practitioners within the State.

The State did submit a statement on obstetrical and pediatric reimbursement in an HMO. However, the material is not contained in the SPA itself; it needs to be in the plan. In addition, it does not say the HMO rate takes into account fee-for-service payments for obstetrical and pediatric services. Therefore, HCFA believes the data are insufficient to enable HCFA to determine compliance with section 1902(a)(30)(A) of the Act, including data related to how rates established for payments to HMOs under 1903(m) of the Act take into account such payment rates. This is required by section 1926 of the Act.

The notice to Florida announcing an administrative hearing to reconsider the disapproval of its State plan amendment reads as follows:

Mr. Gregory L. Coler,
Secretary
Department of Health and Rehabilitative Services, 1317 Winewood Boulevard, Tallahassee, Florida 32399–0700.

Dear Mr. Coler: I am responding to your request for reconsideration of the decision to disapprove Florida State Plan Amendment (SPA) 90–11. The amendment contains a list of Medicaid obsterical and pediatric payment rates, various assurances pertaining to these payment rates, and physician participation data for the State as a whole. The State also submitted a statement on obstetrical and pediatric reimbursement in a Health Maintenance Organization (HMO).

The issue in this matter is whether SPA 90–11 meets the statutory provisions of section 1926 of the Social Security Act (the Act). The provisions require that the Secretary determine that the State is in compliance with section 1902(a)(30)(A) of the Act based upon the data submitted by the State.

I am scheduling a hearing on your request for reconsideration to be held on December 18, 1990, at 10 a.m. in Room 512, 101 Marietta Street, Atlanta, Georgia. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 597–3013.

Sincerely,

Gail R. Wilensky, Ph.D.

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR section 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 1, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90–26311 Filed 11–6–90; 8:45 am]

BILLING CODE 4120–03–M

Notice of Hearing: Reconsideration of Disapproval of Georgia State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 4, 1990, in room 512, 101 Marietta Street, Atlanta, Georgia to reconsider our decision to disapprove Georgia State Plan Amendment 90–23.

Closing Date: Requests to participate in the hearing as a party must be received by the Docket Clerk by November 23, 1990.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, Suite 110, Security Office Park, 7000 Security Blvd. Baltimore, Maryland 21207, Telephone: (301) 597–3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to

disapprove Georgia State Plan amendment (SPA) number 90-23.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Georgia SPA 90-23 contains an incomplete list of medical obstetrical and pediatric payment rates and data alleging at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants.

The issue in this matter is whether SPA 90-23 meets the statutory provisions of section 1926 of the Act. Section 1926 requires that the Secretary determine that the State is in compliance with section 1902(a)(30)(A) of the Act based upon the data submitted by the State.

Section 1926 of the Act as added by section 6402 of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89), Public Law 101-239, requires that, by no later than April 1 of each year (beginning in 1990), States are to submit plan amendments specifying their payment rates for obstetrical practitioner services and pediatric practitioner services. States must also provide specific information to document that those payment rates are sufficient to enlist enough providers such that obstetrical and pediatric services are available to Medicaid recipients at least to the extent that such services are available to the general population in the geographic area (section 1902(a)(30)(A) of the Act).

OBRA 89 was passed on December 19, 1989, and HCFA is developing its final policy concerning what is required to determine that the State is in compliance with section 1902(a)(30)(A) of the Act. HCFA has, however, initially determined that for obstetrical and pediatric rate SPA's to be approvable, they must include the following:

1. Payment rates for this year and next year (i.e. 1990 and 1991) for those obstetrical and pediatric services covered under the State plan. Pediatric rates must be specified by procedure and HCFA recommends the same format be followed for obstetrical services.

2. Data that document that payment rates for obstetrical and pediatric services are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area; and

3. Data that document that payment rates to Health Maintenance Organizations under 1903(m) of the Act take into account the payment rates specified in number 1 above.

HCFA has also developed several guidelines that, if met by the State, would evidence that the State meets the statutory requirements of section 1926 of the Act. These guidelines are set forth in a draft State Medicaid manual revision dated March 26, 1990.

Based upon HCFA's review of the data submitted, HCFA determined that the Georgia amendment does not comply with the statutory requirements of section 1926 of the Act, and, thus, also does not comply with section 1902(a)(30)(A). The State argued that it has met the statutory requirements under guideline 1 of the draft State Medicaid manual revision which permits a State to document compliance with the statute by submitting data showing that at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants or that Medicaid participation is at the same rate as Blue Shield participation. The Sate claims that it exceeds the 50 percent criteria except for providers of obstetrical services in the metropolitan Atlanta area. HCFA believes that the data submitted are insufficient to support a fiding that obstetrical and pediatric services are available to Medicaid recipients at least to the extent such services are available to the general population in the geographic area as required by section 1902(a)(30)(A) of the Act.

The State used ten Health Districts to document access, based on the percentage of Medicaid participating obstetric/pediatric physicians/practitioners to total obstetric/pediatric physicians/practitioners to total obstetric/pediatric practioners. Although the State claims access is met, it fails to explain how these areas are consistent with the geographic areas within which the general population would normally access services. HCFA believes the use of Health Districts is inappropriate because the State's data has not demonstrated that these areas are consistent with the geographic areas within which the general population would normally access services.

The State also submitted an incomplete list of pediatric payment rates. HCFA believes the State needs to provide additional data specifying the payment rates identified as covered as part of the Early and Periodic Screening the Diagnosis and Treatment Program but not in the physician program. Other States have provided this data and it is essential for future data base consistency that all States report under the same procedure codes. Therefore, HCFA believes the State fails to meet section 1926(a)(2) of the Act which requires that "* * * the State submits to the Secretary an amendment to the plan that specifies, by pediatric procedure, the payment rates to be used for such services under the plan * * *."

Georgia does not contract with HMOs, and therefore does not need to provide data concerning HMO payment rates. However, because the fee-for-service payment rates for obstetrical and pediatric services do not meet the requirements of section 1902(a)(30)(A), HCFA disapproved the amendment.

The notice to Georgia announcing an administrative hearing to reconsider the disapproval of its State plan amendment reads as follows:

Mr. Aaron J. Johnson,
Commissioner, Department of Medical Assistance, Floyd Veterans Memorial Building, 2 Martin Luther King, Jr. Drive, SE., Suite 122-C—West Tower, Atlanta, Georgia 30334.

Dear Mr. Johnson:

I am responding to your request for reconsideration of the decision to disapprove Georgia State Plan Amendment (SPA) 90-23. The amendment contains a list of Medicaid obstetrical and pediatric payment rates and data alleging at least 50 percent of obstetrical and pediatric practitioners are full Medicaid participants.

The issue in this matter is whether SPA 90-23 meets the statutory provsions of section 1926 of the Social Security Act (the Act). Section 1926 requires that the Secretary determine that the State is in compliance with section 1902(a)(30)(A) of the Act based upon the data submitted by the State.

I am scheduling a hearing on your request for reconsideration to be held on December 4, 1990, at 10 a.m. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 40 CFR part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 597-3013.

Sincerely,

Gail R. Wilensky,

Administrator.

(Section 1116 of the Social Security Act, (42 U.S.C. section 1316); 42 CFR section 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 1, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90-26312 Filed 11-6-90; 8:45 am]

BILLING CODE 4120-03-M

Notice of Hearing: Reconsideration of Disapproval of Missouri State Plan Amendments (SPAs)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 5, 1990 in Room 215, 601 East 12th Street, Kansas City, Missouri to reconsider our decision to disapprove Missouri State Plan Amendments 89-04 and 89-17.

Closing Date: Request to participate in the hearing as a party must be received by the Docket Clerk by November 23, 1990.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, Suite 110, Security Office Park, 7000 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 597-3013.

SUPPLEMENTARY INFORMATION: This notice annouces an administrative hearing to reconsider our decision to disapprove Missouri State Plan Amendments (SPAs) 89-04 and 89-17.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested persons or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Missouri SPAs 89-04 and 89-17 define the application of the trend factor adjustment for payment of long-term care facility services for State fiscal years 1989 and 1990. The issue in this matter is whether Missouri SPAs 89-04 and 89-17 violate the statutory requirements of section 1902(a)(13)(A) of the Act.

Section 1902(a)(13)(A) of the Act requires, in part, that the payment for long-term care facility services be made through the use of rates calculated under an approved State plan. The State is also required by this provision to make a finding and provide assurances satisfactory to the Secretary that these rates are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities.

The proposed plan amendments define the application of the trend factor adjustment for State fiscal years 1989 and 1990. Effective January 1, 1989, plan amendment TN 89-04 would define the application of the State fiscal year 1989 trend factor. A trend factor adjustment of two percent of the average per-diem rate paid to all skilled nursing facilities (SNFs), intermediate care facilities (ICFs), and SNF/ICFs on June 1, 1988, would be added to each facility's rate. A trend factor adjustment of one percent of the average per-diem rate paid all ICFs for the mentally retarded (MR) on June 1, 1988, would be added to each facility's rate. Effective July 1, 1989, plan amendment TN 89-17 would define the application of the State fiscal year 1990 trend factor. A trend factor adjustment of one and one-half percent of the average per-diem rate paid all SNFs, ICFs, SNF/ICFs and ICFs/MR on June 1, 1989, would be added to each facility's rate.

The State furnished an assurance statement as required by 42 CFR 447.253(b)(1) that it found the proposed payment rates to be reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers. However, HCFA determined that the assurance is unacceptable and the proposed State plan amendments, transmittal numbers 89-04 and 89-17, are not in accordance with the requirements of section 1902(a)(13)(A) of the Act.

In a letter, dated March 19, 1990, the State concluded that the amount of inflationary increases should not dictate the amount of the trend factor adjustment. Secondly, the State indicated that a 15.5 percent increase in provider participation between January 1987 and December 1989 supports its belief that the rates paid by Missouri are not only adequate, but are attracting an abundance of new providers. HCFA does not believe this argument establishes that the calculation of the rates paid are reasonable and adequate.

The State presented numerical data intended to demonstrate that the rates paid satisfy the statutory standard, taking into account inflation. The State's submission did not include a definition of the term "efficient and economically operated." The data presented by the State indicates that a substantial number of the most efficiently operated facilities do not recover their costs under the proposed amendments.

The notice to Missouri announcing an administrative hearing to reconsider the disapproval of its State plan amendments reads as follows:

Mr. Gary Stangler,

Director, Department of Social Services, Broadway State Office Building, P.O. Box 1527, Jefferson City, Missouri 65102.

Dear Mr. Stangler: I am responding to your request for reconsideration of the decision to disapprove Missouri State Plan Amendments (SPAs) 89-04 and 89-17. The SPAs define the application of the trend factor adjustment for payment of long-term care facility services for State fiscal years 1989 and 1990.

The issue in this matter is whether Missouri SPAs 89-04 and 89-17 violate the statutory requirements of section 1902(a)(13)(A) of the Social Security Act (the Act). Section 1902(a)(13)(A) of the Act requires, in part, that payment for long-term care facility services can be made through the use of rates which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards.

I am scheduling a hearing on your request to be held on December 5, 1990, at 10 a.m. in room 215, 601 East 12th Street, Kansas City, Missouri. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary

between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 597-3013.

Sincerely,

Gail R. Wilensky,

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 1, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90-26313 Filed 11-6-90; 8:45 am]

BILLING CODE 4120-03-M

National Institutes of Health

National Institute on Aging; Meeting of the National Commission on Sleep Disorders Research

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Sleep Disorders Research, National Institute on Aging, November 29-30, 1990 at the Embassy Suites Hotel, Chevy Chase Room 1, 4300 Military Road, NW., Washington, DC 20015.

The meeting will be open to the public from 8:30 a.m. on November 29 to adjournment on November 30. The agenda will include development of plans for future meetings and preparation of the Commission's report. Attendance by the public will be limited to space available.

Interested persons should contact Ms. Gladys Bohler, Secretary, DHHS/NIH/NIA, 9000 Rockville Pike, building 31C, room 5C35, Bethesda, Maryland 20892, 301-496-9350, for a summary of the meeting and a roster of the committee members.

Andrew A. Monjan, Ph.D., M.P.H., Executive Secretary, National Commission on Sleep Disorders Research, National Institute on Aging, 9000 Rockville Pike, Building 31C, Room 5C35, Bethesda, Maryland 20892, 301-496-9350, will provide substantive program information.

Dated: October 31, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-26269 Filed 11-6-90; 8:45 am]

BILLING CODE 4140-01-M

Office of Human Development Services

President's Committee on Mental Retardation; Meeting

AGENCY HOLDING THE MEETING: President's Committee on Mental Retardation, HHS.

TIME AND DATE:

Executive Committee, Sunday, December 2, 1990, 2 p.m.—5 p.m.

Full Committee, December 3-4, 1990, 8:30 a.m.—4:30 p.m.

PLACE:

Ritz-Carlton, Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202.

STATUS: Meeting are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

MATTERS TO BE CONSIDERED: Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

THE PCMR: (1) Acts in as advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons with mental retardation; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

CONTACT PERSON FOR MORE INFORMATION: Sambhu N. Banik, Ph.D., Executive Director, Room 5325—Wilbur J. Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201, (202) 619-0634.

Dated: October 31, 1990.

Sambhu N. Banik,

Executive Director.

[FR Doc. 90-26267 Filed 11-6-90; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Advisory Committee on the Food and Drug Administration; Meeting; Correction

ACTION: Notice of meeting and correction notice.

SUMMARY: The Subcommittee on Foods, Cosmetics, and Veterinary Medicine of the HHS Advisory Committee on the FDA will hold a meeting on Monday, December 10 from 9 a.m. to 5:30 p.m. The meeting is open to the public and will take place in the Humphrey Auditorium on the first floor of the Humphrey Building located at 200 Independence Avenue, SW., Washington, DC, 20201. Public registration will begin at 8 a.m. The meeting will address findings that the Subcommittee intends to make during a meeting of the full Committee scheduled for December 17-18 in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sheryl Rosenthal, Advisory Committee on the Food and Drug Administration, Department of Health and Human Services, room 740-G Humphrey Building, 200 Independence Avenue, SW., Washington, DC, 20201. Telephone number (202) 245-7305.

SUMMARY: The notice announcing the schedule of subcommittee meetings, printed in the August 7th Federal Register on page 32153, incorrectly identified the meeting time for the second Human Drugs and Biologics subcommittee meeting.

The Human Drugs and Biologics Subcommittee of the HHS Advisory Committee on the FDA will meet on Thursday, November 8 from 8:30 a.m. through 6:15 p.m. and Friday, November 9 from 8:30 a.m. through noon. The meeting will be held at the Scripps Clinic and Research Foundation at 10666 N. Torrey Pines Road, La Jolla, CA, 92037. Thursday's session will take place in the Valerie Tinker Amphitheater on the second floor of the Scripps Clinic Green Hospital. Friday's session will take place in the Committee Lecture Hall of the Molecular Biology Building. The meeting is open to the public and registration will begin one half hour prior to the beginning of the meeting on each day.

FOR FURTHER INFORMATION CONTACT: Pat Spitzig, Advisory Committee on the Food and Drug Administration, Department of Health and Human Services, room 740-G Humphrey Building, 200 Independence Avenue, SW., Washington, DC, 20201. Telephone number (202) 245-7305.

Dated: October 31, 1990.

Eric M. Katz,

Executive Director, Advisory Committee on the Food and Drug Administration

[FR Doc. 90-26268 Filed 11-6-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-90-935; FR-2915-D-01]

Order of Succession—Acting Assistant Secretary for Administration

AGENCY: Office of the Secretary, HUD.

ACTION: Order of succession—Acting Assistant Secretary for Administration.

SUMMARY: This designation lists the order of officials to serve as Acting Assistant Secretary for Administration during any absence, disability, or vacancy in the position of the Assistant Secretary for Administration.

EFFECTIVE DATE: October 31, 1990.

FOR FURTHER INFORMATION CONTACT: Marie P. Kissick, Director, Office of Administrative and Management Services, Department of Housing and Urban Development, room 5168, 451 7th Street SW., Washington, DC 20410 (202) 708-3123. This is not a toll free number.

SUPPLEMENTARY INFORMATION: This Notice updates the Order of Succession for the Assistant Secretary for Administration. The authorization to act under this Order is subject to the 120 day limitation of the Vacancies Act, 5 U.S.C. 3348, as amended, whereby a vacancy caused by death or resignation of an appointee may be filled temporarily for not more than 120 days.

Accordingly, the Secretary designates as follows:

Section A: Designation

During any period when, by reason of absence, disability, or vacancy in office, the Assistant Secretary for Administration is not available to exercise the powers and perform the duties of the Assistant Secretary, appointees to the positions listed below are authorized to act as Assistant Secretary and exercise all the powers, functions, and duties assigned to or vested in the Assistant Secretary. However, no official shall act as Assistant Secretary until all of the appointees listed before such official's title in this designation are unable to act by reason of absence, disability, or vacancy in office.

1. Deptuty Assistant Secretary for Finance and Management
2. Deputy Assistant Secretary for Resource Planning and Operations
3. Deputy Assistant Secretary for Executive Services
4. Director, Office of Budget
5. Director, Office of Finance and Accounting
6. Director, Office of Information Policies and Systems
7. Director, Office of Personnel and Training
8. Director, Office of Procurement and Contracts
9. Director, Office of Administrative and Management Services
10. Director, Office of Management and Quality Assurance
11. Director, Office of Ethics

Section B: Authority to Redesignate

Each head of an organizational unit of the Office of Administration is authorized to designate an employee under his/her supervision to act for him/her by reason of absence, disability, or vacancy in the position of head of the unit, except that no Office Director acting as Assistant Secretary may designate anyone to act in that capacity.

Section C: Supercedure

This Order of Succession supercedes the prior Order of Succession as follows: 47 F.R. 53503 (November 26, 1982) (Docket No. D-82-685)

(Executive Order 11274, 31 FR 5243, 3 CFR 537 (1966-70 Comp.); Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. § 3535(d))

Dated: October 31, 1990.

Jack Kemp,

Secretary.

[FR Doc. 90-26255 Filed 11-6-90; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-060-4351-06]

Coeur d'Alene District, Idaho; Emerald Empire Resource Area Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designations.

SUMMARY: Notice is hereby given relating to the use of off-road motorized vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR part 8340. The following described lands under the administration of the Bureau of Land Management (BLM) are designed as either open, limited, or closed for off-road motorized vehicle use.

The area affected by this designation is known as the Emerald Empire Resource Area. This resource area is comprised of 115,273 acres of scattered, forested parcels of BLM administered public lands in the five northern counties (Boundary, Bonner, Kootenai, Benewah, Shoshone) of the Idaho panhandle.

This decision is a result of planning decisions made in the Emerald Empire Management Framework Plan (1981) and subsequent environmental analysis documents. Public involvement was utilized in the formation of these decisions. These decisions become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Mert Lombard, Emerald Empire Area Manager, Coeur d'Alene District Office, 1808 N. 3rd Street, Coeur d'Alene, Idaho 83814, (208) 765-1511.

Dated: October 29, 1990.

Fritz U. Rennebaum,

District Manager.

[FR Doc. 90-26293 Filed 11-6-90; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 752689

Applicant: San Diego Wild Animal Park, Escondido, CA.

The applicant requests a permit to import one male and three female captive born Asian wild ass (*Equus hemionus onager*) from Zoologischer Garten, Koln, Germany for the purpose of captive propagation.

PRT 752669

Applicant: Peter Sarafin, Roseburg, OH.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive-herd maintained by Mr. A. Rudman, Blaauwkrantz, Republic of South Africa, for the purpose of enhancement of survival of the species.

Applicant: Zoological Society of San Diego, San Diego, CA.

PRT 753059

The applicant requests a permit to import a pair of captive born Panamanian jaguarundi (*Felis yagouaroundi panamensis*) from Miguel Romero Antonio Parque Zoologico Barquisimeto, Lara, Venezuela for the purpose of captive propagation.

PRT 753074

Applicant: John R. Albers, Dallas, TX.

The applicant requests a permit to import the personal sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*), culled from the captive-herd maintained by Mr. D. Parker, Elandsberg Farms, Constantia, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 753785 & 753788

Applicant: Kevin Gorman, Rochester, NY.

The applicant requests permit to expert red siskins (*Carduelis* (=*Spinus*) *cuculatta*) captive-bred at his facility to Canada and to import captive-bred red siskins from Canada. The birds for import/export will be used in captive-breeding programs to enhance the survival of the species.

PRT 751682

Applicant: San Diego Zoo, San Diego, CA.

The applicant requests a permit to reexport a mountain tapir (*Tapirus pinchaque*) skin to the National Museum "Venado de Oro", Bogota, South America for scientifc research purposes.

PRT 752267

Applicant: Anne Frantzen, Maplewood, MN.

The applicant requests a permit to export/reimport one male captive-born mandrill (*Papio sphinx*) to Canada for exhibit purposes during which, conservation education material would be presented to the public.

PRT 753153

Applicant: Todd M. Steiner, San Franciso, CA.

The applicant requests a permit to take (capture, mark, measure, weigh, and palpate) San Francisco garter snakes (*Thamnophis sirtalis tetrataenia*) in the area of Sharp Park, Pacifica, California for the purpose of scientific research and enhancement of survival of the species.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 430, 4401 N. Fairfax Dr., Arlington, VA 22203, or by writing to the Director, U.S. Office of Management Authority, 4401 N. Fairfax Drive, Room 432, Arlington, VA 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: November 1, 1990.

R.K. Robinson,

Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90-26276 Filed 11-6-90; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF JUSTICE

St. Thomas Paving Co., Ltd.; Lodging of Settlement Agreement

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in In re: *United States* v. *St. Thomas Paving Co., Ltd.*, Case No. 398-00015 (Bankr. D.V.I.), has been lodged with the United States Bankruptcy Court for the Virgin Islands, Division of St. Thomas and St. John on October 30, 1990.

The United States filed a complaint against the St. Thomas Paving Co., Ltd. ("Debtor") alleging violations of the Clean Air Act ("Act"), 42 U.S.C. 7401 *et seq.*, and the Virgin Islands State Implementation Plan ("SIP") in connection with the ownership and operation of an asphalt plant. On November 22, 1988, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On April 6, 1990, the United States filed a proof of claim against the Debtor in bankruptcy court. The proposed settlement agreement is included in the Debtor's Plan of Reogranization. The settlement agreement provides for payment to the United States of a $10,000 penalty plus interest over a six year period. In addition, the Debtor agrees that it will be enjoined from ever owning or operating any type of asphalt plant in the future.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed settlement agreement. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *St. Thomas Paving Co., Ltd,* D.J. Ref. 90-5-2-1-1069.

The proposed settlement agreement may be examined at the office of the United States Attorney, District of the Virgin Islands, Federal Building & Courthouse, room 260, Charlotte Amalie, St. Thomas, Virgin Islands, 00801; at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York, 10278; and at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed settlement agreement and attachments can be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $2.25 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 90-26926 Filed 11-6-90; 8:45 am]

BILLING CODE 4410-10-M

Antitrust Division

Amoco Production Co.; National Cooperative Research Notification

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), on October 10, 1990, Amoco Production Company ("Amoco") filed a written notification on behalf of Amoco and ARCO Oil and Gas Company ("ARCO"), a division of the Atlantic Richfield Company, simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The identities of the parties to the venture, and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture and its general areas of planned activities are given below.

The parties to the venture are:

Amoco Production Company, a Delaware corporation, having a place of business at 4502 East 41st Street, Tulsa, OK 74135;

ARCO Oil and Gas Company, a Delaware corporation, having a place of business at 2300 West Plano Parkway, Plano, TX 75075.

Amoco and ARCO entered into an agreement effective September 1, 1990 to collaborate on research to better understand the applications of neural network technology to geophysical exploration.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 90-26291 Filed 11-6-90; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Propcsed Information Collection Requests

AGENCY: White House Conference on Library and Information Services (WHCLIS), National Commission on Libraries and Information Science (NCLIS).

ACTION: Notice of proposed information collection requests.

SUMMARY: The Chairman, NCLIS invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before December 15, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs. Attention: Daniel Chenok, Desk Officer, Department of Education, Office of Management and Budget, 728 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503.

Requests for copies of the proposed information collection requests should be addressed to Mary Alice Hedge Reszetar, Associate Executive Director, National Commission on Libraries and Information Science, 1111 18th Street NW., suite 310, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, 202–254–3100.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform statutory obligations.

The Executive Director, WHCLIS publishes this notice containing a proposed information collection request prior to submission of this request to OMB. The proposed information collection contains the following:

(1) Type of review requested, *e.g.*, new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Mary Alice Hedge Reszetar at the address specified above.

White House Conference on Library and Information Services

Type of review: Reinstatement.
Title: Memorandum of Agreement.
Frequency: One time.
Affected public: Palau and Micronesia.
Reporting burden:
Responses: 2.
Burden hours: 0.4.
Recordkeeping burden:
Recordkeeper: 0.
Burden hours: 0.

Abstract: This Memorandum of Agreement will be used by Palau and Micronesia to allow them to receive funds and participate in the White House Conference on Library and Information Services, July 9–13, 1991, in Washington, DC as set forth in Public Law 100–382.

Dated: November 2, 1990.

Charles E. Reid,

Choirman, National Commission on Libraries and Information Science.

[FR Doc. 90–26280 Filed 11–6–90; 8:45 am]

BILLING CODE 7527–01–M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Closed Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) will be held on December 13, 1990. The business session of the meeting will be held at the Department of State. An executive session of the meeting will be held at the Old Executive Office Building.

Business Session

—Call to Order
—Welcome from Department of State
—Review of Ongoing NSTAC Activities
—Report from Industry
—Keynote Speech
—Review of Government Activities
—Closing Remarks
—Adjournment

Executive Session

—Call to Order
—Discussion with Government Officials
—NSTAC Closing Discussion
—Adjournment

Due to the requirement to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (703) 692–9274 or write the Manager, National Communications System, Washington, DC 20305–2010.

Terrence N. Danner,

Captain, USN, Assistant Manager, NCS Joint Secretariat.

[FR Doc. 90–26247 Filed 11–6–90; 8:45 am]

BILLING CODE 3610–05–M

NUCLEAR REGULATORY COMMISSION

Public Service Electric and Gas Co.; Environmental Assessment and Finding of No Significant Impact

[Docket Nos. 50–272 and 50–311]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to an exemption from the requirements of 10 CFR Part 50, Appendix R, Section III.G.2., to the Public Service and Gas Company, et. al. (the licensee), for the Salem Generating Station, Units 1 and 2, located at the licensee's site in Salem County, New Jersey.

Environmental Assessment

Identification of Proposed Action

The proposed action would amend the exemption issued on July 20, 1989 that approved the use of a localized automatic fire suppression system in the containment subarea (identified as 1 & 2 FA–RC–78) housing the pressurizer and Panel 335 at the 100 feet elevation (licensee's Exemption Request No. 12). This exemption was in lieu of separating redundant cables and equipment by at least 20 feet of horizontal distance, free of intervening combustibles or separation by a radiant energy shield as required by section III.G.2 of appendix R to 10 CFR part 50. This amendment would allow the use of a localized, water-based fire suppression system with remote-manual actuation. In addition, the use of a fire detection system to actuate the fire suppression system would no longer be necessary. Smoke detectors would be installed in the area around Panel 335 that would alarm in the control room. The Commission's technical evaluation of this request will be published in a safety evaluation to be issued concurrently with the exemption. This action is in response to the licensee's application for an amendment to the exemption dated March 23, 1990, and supplemental letter dated September 13, 1990.

The Need for the Proposed Action

The proposed exemption amendment is needed because the use of a fully

automatic fire suppression system is unnecessarily restrictive. The licensee has reviewed the suppression agents available and has concluded that a localized, water based fire suppression system requiring remote manual action will provide acceptable protection for this area. This system provides a practical means to meet the intent of appendix R.

Environmental Impacts of the Proposed Action

The proposed exemption amendment will provide a degree of fire protection that is equivalent to that required by 10 CFR part 50, appendix R for the affected area of the plant such that there is no increase in the risk of fires at this facility. Consequently, the proposed exemption amendment will not: Increase the probability of fires; increase the post-fire radiological releases beyond those previously determined nor otherwise affect radiological plant effluents; nor increase the probability or consequences of any reactor accident. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption amendment.

With regard to potential non-radiological impacts, the proposed exemption amendment involves features located entirely within the restricted area as defined in 10 CFR part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no measurable environmental impacts associated with the proposed exemption amendment, any alternatives to the exemption amendment will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption amendment. Such action would not reduce the environmental impacts of Salem Units 1 and 2 operations and would require additional time and resources to bring the facility into compliance with the original exemption with no significant enhancement of the fire protection capability.

Alternative Use of Resources

The action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Salem Generating Station, Units 1 and 2," dated April 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request that supports the proposed exemption amendment. The NRC staff did not consult other agencies or persons.

Findings of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed exemption amendment will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption amendment.

For further details with respect to the proposed action, see the licensee's request for the exemption amendment dated March 23, 1990, and the supplement dated September 13, 1990, which are available for public inspection at the Commission's Public Document Room 2120 L Street, NW., Washington, DC and at the Salem Free County Public Library, 112 W. Broadway, Salem, New Jersey 08079.

Dated at Rockville, Maryland, this 31st day of October 1990.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-26301 Filed 11-6-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-482]

Wolf Creek Nuclear Operating Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR part 55 to the Wolf Creek Nuclear Operating Corporation (WCNOC) (the licensee), for the Wolf Creek Generating Station located in Coffey County, Kansas.

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 months in duration and that an annual requalification examination be administered. The licensee has requested an exemption which would extend the 24-month requalification program cycle from October 1990 to December 1990.

The licensee's request for exemption and the bases therefore are contained in a letter dated September 18, 1990.

The Need for the Proposed Action

The proposed exemption is from 10 CFR 55.59(a), which requires that a requalification program for operator licensees and senior operator licensees be conducted for a continuous period not to exceed 24 months in duration. In addition, an annual requalification examination must be passed. The licensee requested an exemption to extend the 24-month requalification cycle from October 1990 to December 1990, for the purpose of aligning the Wolf Creek program with the new NRC national examination schedule. This one-time exemption would result in a permanent adjustment to the 24-month requalification cycle and the annual requalification examination schedule.

Environmental Impacts of the Proposed Action

The proposed exemption would align the Wolf Creek requalification cycle with the NRC national examination schedule. This exemption will not increase the risk of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect the quantity of radiological plant effluents, nor result in any significant increase in occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. Such action would not reduce the environmental impact of the Wolf Creek Generating Station operations and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in

the Final Environmental Statement related to operation of the Wolf Creek Generating Station dated June 1982.

Agencies and Persons Consulted

The Commission's staff has reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated September 18, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelam Building, 2120 L Street, NW., Washington, DC, at the Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801, and at the Washburn University School of Law Library, Topeka, Kansas 66621.

Dated at Rockville, Maryland, this 31st day of October 1990.

For the Nuclear Regulatory Commission.

James C. Linville,

Acting Director, Project Directorate IV-2, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-26302 Filed 11-6-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528, 50-529 and 50-530]

Arizona Public Service Co., et al., Palo Verde Nuclear Generating Station; Issuance of Partial Director's Decision (DD-90-7)

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Partial Director's Decision concerning a Petition dated May 22, 1990, filed by Mr. David K. Colapinto, Esq. on behalf of Mrs. Linda E. Mitchell. The Petition alleged safety violations in the area of fire protection at the Palo Verde Nuclear Generating Station (PVNGS) of the Arizona Public Service Company (APS). The Petition also presented numerous allegations that APS and Nuclear Regulatory Commission (NRC) personnel were involved in wrongdoing with regard to possible violations of fire protection, and particularly emergency lighting, requirements at PVNGS.

On June 21, 1990, the Director, Office of Nuclear Reactor Regulation, acknowledged receipt of the Petition. The Director informed Mr. Colapinto that the Petition would be treated under 10 CFR 2.206 of the Commission's regulations and that appropriate action would be taken in a reasonable time.

The Director of the Office of Nuclear Reactor Regulation has now determined that the portion of the Petitioner's request dealing with safety violations should be denied for the reasons set forth in the "Partial Director's Decision Under 10 CFR 2.206" (DD-90-7), which is available for inspection and copying in the Commission's Public Document Room, Gelman Building, 2121 L Street, NW., Washington, DC 20555 and at the local public document room located at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

A copy of the Partial Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Partial Decision will become the final action of the Commission 25 days after issuance unless the Commission on its own motion institutes review of the Partial Decision within that time.

Dated at Rockville, Maryland, this 31st day of October 1990.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 90-26304 Filed 11-6-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co., (Pilgrim Nuclear Power Station); Exemption

I.

The Boston Edison Company (BECo) is the holder of Operating License No. DPR-35 which authorizes the operation of Pilgrim Nuclear Power Station (PNPS). The license provides, among other things, that the licensees are subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility is a boiling water reactor at the licensee's site located in Plymouth County, Massachusetts.

II.

By letter dated July 12, 1990 the licensee requested an exemption under 10 CFR 55.11 from 10 CFR 55.59(a) in order to extend the Pilgrim Nuclear Power Station requalification examination schedule from March 1992 to May 1992 and the end of the 24 month requalification program cycle from March 1992 to May 1992. Currently the requalification testing is required by March 1992 and the 24 month requalification program cycle ends in March 1992. The exemption was requested to align the Pilgrim Station with the new NRC national examination schedule. Generic Letter 90-07, "Operator Licensing National Examination Schedule" provided an examination schedule for all licensees to equalize NRC examiners workload due to limited NRC resources. A November and May examination schedule was established for Pilgrim. This one-time exemption will result in a permanent adjustment to the 24 month requalification cycle and the requalification examination schedule.

III.

Pursuant to 10 CFR 55.11, "The Commission may, upon application by an interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part (10 CFR Part 55), as it determines are authorized by law, and will not endanger life or property and are otherwise in the public interest."

The proposed exemption would align the Pilgrim requalification cycle and the requalification examination schedule with the NRC national examination schedule. This exemption will not increase the risk of facility accidents. Thus, post-accident radiological release will not be greater than previously determined, nor does the proposed exemption otherwise affect the quantity of radiological plant effluents, nor result in any significant increase in occupational exposure. Likewise, the exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

IV.

Accordingly, the Commission has determined, pursuant to 10 CFR 55.11, that an exemption as described in section III is authorized by law, will not endanger life or property, and is otherwise in the public interest.

Therefore, the Commission hereby grants the following exemption:

Boston Edison Company is exempt from the requirements of 10 CFR 55.59(a) for a period of March 1992 to May 1992 with respect to the requalification testing examination and for a period of March 1992 to May 1992 with respect to the 24 month requalification program.

Pursuant to 10 CFR 51.32 the Commission determined that the granting of this exemption will not have a significant effect on the quality of the human environment (55 FR 38762).

For further details with respect to this action, see the licensee's request dated July 12, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

This exemption is effective on October 31, 1990.

Dated at Rockville, Maryland this 31st day of October, 1990.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Director, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-26303 Filed 11-6-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-23 issued to Carolina Power & Light Company (the licensee) for operation of H.B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment is required as a result of Plant Modification M1005 related to the plant vent system. The licensee states that the modification will: (1) Upgrade the plant vent radiation monitor for particulate iodine and noble gas detection; (2) upgrade the stack flow monitor and incorporate isokinetic sampling of the plant vent effluents; (3) provide new control room indication and recording equipment for the upgraded instrumentation; and (4) permanently divert the condenser air ejector discharge from the atmospheric vent to the plant vent and remove the automatic divert interlock from the condenser air ejector radiation monitor. The proposed amendment also corrects minor typographical errors.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has reviewed the proposed change in accordance with the criteria specified in 10 CFR 50.92 and has determined that the proposed change does not involve a significant hazards consideration for the following reasons:

1. Operation of the facility, in accordance with the proposed amendment, would not involve a significant increase in the probability or consequences of an accident previously analyzed.

Regarding the probability of previously analyzed accidents, the instrumentation changes which required the proposed amendment merely provide effluent accountability. Neither the existing monitors nor the new monitors participate in any accident sequence, therefore, the new monitors cannot increase the probability of any accident previously evaluated. This proposed amendment does not increase the probability of a previously evaluated accident because it upgrades instrumentation designed to follow the course of an accident and thereby reduces the probability of equipment malfunction. This equipment does not perform any control function associated with any analyzed accident.

Regarding the consequences of an accident previously analyzed, the equipment which requires the proposed amendment is not required to function to mitigate the consequences of an accident. Further, eliminating the need to divert condenser discharge from the atmospheric vent to the plant vent on high activity levels eliminates the consequences of equipment malfunction since the condenser air radiation monitor no longer performs a control function. Replacing the two plant vent gas monitors with a single monitor does not increase the consequences of an equipment malfunction since the two monitors do not perform redundant waste gas system isolation functions.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The equipment changes which require the proposed amendment upgrade plant vent monitoring equipment and permanently divert condenser air ejector discharge to the plant vent. The new equipment performs the same function as the existing equipment. No different operating conditions or functions associated with this project are created, therefore, the proposed amendment does not create the possibility of a new or different accident from any accident previously evaluated.

3. Operation of the facility, in accordance with the proposed amendment, would not involve a significant reduction in a margin of safety.

Although the plant vent radiation monitor does not perform any safety related functions to prevent or to mitigate the consequences of any analyzed and unanalyzed accidents, its operation is a Technical Specification item and is required to monitor and assure that plant operation is within limits. The five detectors associated with the replacement plan vent radiation monitoring system have equal or greater equipment performance specifications compared to the existing detectors. The detection of particulate radiation also improves because the new isokinetic sample nozzles have a greater particle collection efficiency. The replacement plant vent radiation monitors are installed in the same location as the existing off line detectors, so there is no significant change in the sample transport tubing. Therefore, there is no significant decrease in a margin of safety.

This effort requires changes to the plant Technical Specifications to correctly identify instrumentation which monitor[s] plant gaseous effluents. The Technical Specifications are also being revised to eliminate the requirements of the condenser evacuation system radiation monitoring equipment. This equipment is no longer a Technical Specification requirement since effluents from this system are discharged to the plant vent and are monitored by the plant vent radiation detection equipment. At present, there are two low range noble gas detectors monitoring the plant vent. One detector provides isolation of the waste gas system on high activity level plus indication and alarm functions. The second detector provides backup indication and alarm functions only. These two low range noble gas detectors are replaced with a single low range gas detector. This single detector provides the control, indication, and alarm functions of the existing two detectors. The new detector incorporates present day technology with highly reliable components for improved performance and operability. Manual sampling of the specific release paths and of the plant vent are required by the operating procedures should the plant vent monitor fail. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a no significant hazards consideration. A notice of proposed finding of no significant hazards determination regarding an earlier application related to this modification was previously published in the **Federal Register** on

October 3, 1990 (55 FR 40461). The present application, which supersedes the earlier request is more restrictive on the operation of the facility. The restriction would require that the effluent releases from the plant vent be suspended if the plant vent radiation monitors are inoperable.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By December 7, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29534. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: (petitioner's name

and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to R.E. Jones, General Counsel, Carolina Power & Light Company P.O. Box 1551, Raleigh, North Carolina 27602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated August 21, 1990, and September 21, 1990, as superseded October 19, 1990, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Rockville, Maryland, this 31st day of October 1990.

For the Nuclear Regulatory Commission.

Ronnie H. Lo,

Senior Project Manager, Project Directorate II–1, Division of Reactor Projects—II–1, Office of Nuclear Reactor Regulation.

[FR Doc. 90–26309 Filed 11–6–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–368]

Entergy Operations, Inc.; Denial of Amendment To Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by Arkansas Power and Light Company, for an amendment to Facility Operating License No. NPF–6 issued to the licensee for operation of the Arkansas Nuclear One, Unit No. 2, located in Russellville, Arkansas. A Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on May 16, 1990 (55 FR 20350).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) to revise the power calibration requirements for the Linear Power level, Core Protection Calculator (CPC) delta-T power and the CPC nuclear power signals. In addition a time limit for declaring the channel inoperable would be added to the TS.

The NRC staff has concluded the licensee's request cannot be granted. The licensee was notified of the Commission's denial of the proposed change by letter dated November 1, 1990.

By December 7, 1990, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, and to Mr. Nicholas S. Reynolds, attorney for the licensee.

For further details with respect to this action, *see* (1) The application for amendment dated March 2, 1990, and (2) the Commission's letter to the licensee dated November 1, 1990.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of item (2) may be obtained upon request addressed to the U.S., Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 1st day of November 1990.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Acting Director, Project Directorate IV–1, Division of Reactor Projects—III, IV, V and Special Projects—Office of Nuclear Reactor Regulation.

[FR Doc. 90–26310 Filed 11–6–90; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency clearance officer: Kenneth A. Fogash, (202) 272–2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, DC 20549.

Extension

File No. 270–124, Form T–4

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for an extension of clearance Form T–4. The form provides a basis for the Commission to exempt certain securities from the Trust Indenture Act of 1939 ("Act") pursuant to section 304(c) of the Act. Form T–4 affects 3 filers for a total of 15 burden hours. The estimated burden hours are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of the Commission's rules and forms. Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated burden hours for compliance with the Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, Paperwork Reduction Project 3235–0107), room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 31, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–26294 Filed 11–6–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–28589; File No. SR–PSE–90–35)

Self-Regulatory Organizations; No Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to the Listing of Long-Term Index and Equity Options.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 12, 1990, the Pacific Stock Exchange ("PSE" or

"Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to add Rule VI, Section 4(d) to provide for the listing on the Exchange of long-term index and equity options. The proposed rule is set forth below.

Rule VI, Section 4(d).

Unless otherwise provided in the rules of the Exchange, the Exchange may open for trading equity options series that expire twelve (12) to twenty-four (24) months from the time they are opened for trading, and stock index options series that expire twelve (12) to thirty-six (36) months from the time they are opened for trading. The Exchange may open for trading up to four such extended far term expiration months for any index or equity option class. The Exchange rules regarding strike price interval, bid/ask differentials and continuity shall not apply to such series until the time to expiration is less than twelve months for index options, and less than nine months for equity options. When open for trading, trading in such option series shall commence either when there is buying or selling interest, or forty minutes prior to the close of trading for the day, whichever occurs first. Quotations will not be posted for extended far term option series until trading in such series is commenced on the day.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Section (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change would permit the Exchange to trade extended far term option series, defined in the proposed rule as equity options series that expire twelve to twenty-four months from the time they are opened for trading, or stock index options series that expire twelve to thirty-six months from the time they are opened for trading. At the time such option series have less than twelve months to expiration, the series will lose their extended far term characterization, and will be traded like any other non-extended far term option contract.

The purpose for the proposed rule change is to add a product for trading at the Exchange that will protect investors by providing them with an additional means to hedge their equity portfolios against long-term market risk. Although other hedging products are in existence, such as financially equivalent futures, the Exchange believes that investor interest is served by providing investors with an additional hedging choice.

The Exchange believes that rules regarding strike price intervals, bid/ask differentials and continuity should not apply to extended far term option series until the time to expiration is less than twelve months for index options, and less than nine months for equity options. The Exchange states that at this time a basis has not been determined for establishing reasonable prices for options that expire twelve or more months from the time they commence trading.[1] In addition, the Exchange believes that proper bid/ask differentials and market continuity will be established due to market makers' general obligations to maintain fair and orderly markets. Moreover, the Exchange states that it intends to monitor regularly trading in such extended far term option series to make certain that the markets are properly maintained.

[1] *See* Securities Exchange Act Release Nos. 25041 (October 16, 1987), 52 FR 40008 (October 26, 1987) (order approving SR-Amex-87-22, providing for the trading of long-term index options on the Amex), 24853 (August 27, 1987) 52 FR 33486 (September 3, 1987) (order approving SR-CBOE-87-24, providing for the trading of long-term index and equity options on the CBOE), and 28514 (October 3, 1990) 55 FR 41400 (October 11, 1990) (order approving SR-Amex-90-18, providing for the trading of long-term equity options on the Amex) (collectively termed "Long-term Options Approval Orders").

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act because it is based entirely, and without variance, on the existing rules of other self-regulatory organizations.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[2] Specifically, the Commission believes that the proposed rule change is designed to provide investors with additional means to hedge equity portfolios from long-term market risk, thereby facilitating transactions in options and contributing to the protection of investors and the maintenance of fair and orderly markets.

Currently, institutional customers use options to hedge the risks associated with holding diversified equity portfolios. The Commission believes that by allowing investors to lock in their hedges for up to two years (three years with stock index options), the Exchange's proposal for long-term options will permit institutions to protect better their portfolios from adverse market moves. Further, the Commission believes that long-term options will allow this protection to be provided at a known and limited cost. Finally, the proposal will provide institutions with an alternative to hedging portfolios with futures positions or off-exchange customized options. Accordingly, the Commission believes that the proposed rule change will better serve the long-term hedging needs of institutional investors.

The Commission notes that strike price interval, bid/ask differential, and

[2] 15 U.S.C. 78f(b)(5) (1982).

continuity rules will not apply to such long term options series until the time to expiration is less than twelve months for index options or less than nine months for equity options. This approach is consistent with the approach taken by the American Stock Exchange ("Amex") and by the Chicago Board Options Exchange "CBOE") with regard to their long-term index and equity options.[3] This approach is being taken initially because of the lack of historical pricing data for long-term options. Strike price interval requirements and bid/ask differential rules applicable to index and equity options currently are based on options that expire nine to twelve months from the time they begin trading. Therefore, there currently is no basis for establishing reasonable prices for long-term index and equity options that will expire more than twelve months from the time they begin trading.

The PSE has, however, stated that it will monitor the trading in long-term index and equity options closely to gain experience with regard to these options, and that it will reexamine the applicability of these rules to the long-term options in one year's time.[4]

The Commission, however, notes that although specified bid/ask differential and continuity rules will not apply to long-term equity options that expire in over nine months and long-term index options that expire in over twelve months, the PSE's general rules that obligate PSE market makers to maintain fair and orderly markets will continue to apply.[5] The Commission believes that the requirements of these rules are broad enough, even in the absence of bid/ask differential and continuity requirements, to provide the Exchange with the authority to make a finding of inadequate market maker performance should these market makers enter into transactions or make bids or offers (or fail to do so) in long-term options that are inconsistent with the maintenance of a fair and orderly market. Finally, the Commission notes that the bid/ask differential and continuity rules will apply to the long-term equity options when the time remaining until expiration is less than nine months and to the long-term index options when the time remaining until expiration is less than twelve months.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because the PSE's proposed rule change is identical to proposals by the Amex and the CBOE to trade long-term, which the Commission has already approved.[6] These proposals were subject to a notice and comment period and the Commission did not receive any comments on them. Thus, the Commission believes it is appropriate to approve the proposed rule change on an accelerated basis so that the Exchange can begin trading long-term index and equity options. Since both the Amex and the CBOE have begun trading long-term options, permitting the PSE to begin trading long-term options will facilitate competition between the exchanges for product services, which, in turn, should benefit public investors. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by November 28, 1990.

It is therefore ordered, pursuant to section 19(b)(2) of the Act [7] that the proposed rule change (SR-PSE-90-35) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Dated: October 31, 1990.

[FR Doc. 90-26266 Filed 11-6-90; 8:45 am]
BILLING CODE 8010-01-M

[3] See Long-term Options Approval Orders, *supra* note 1.

[4] Conversation between David P. Semak, Vice President, Regulation, PSE, and Thomas R. Gira, Branch Chief, Options Regulation, SEC, on October 22, 1990.

[5] *See, e.g.* PSE Rule VI, Section 79.

[6] *See,* Long-term Options Approval Orders, *supra* note 1.

[7] 15 U.S.C. 78s(b)(2) (1982).

[8] 17 CFR 200.30-3(a)(12) (1989).

[Rel. No. IC-17835; 811-4586]

American Investors Option Fund, Inc.; Application for Deregistration

October 31, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: American Investors Option Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on October 22, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on November 26, 1990, and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature or the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, P.O. Box 2500, 777 West Putnam Avenue, Greenwich, CT 06836.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee at the SEC's Public Reference Branch or by contacting the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 738-1400).

Applicant's Representations

1. Applicant is an open-end diversified management investment

company organized as a corporation under the laws of Maryland on December 13, 1984. On February 6, 1986, applicant registered under the 1940 Act and filed a registration statement under the Securities Act of 1933 to register an indefinite number of its shares of common stock. The registration statement was declared effective on August 13, 1986, and an initial public offering was commenced immediately thereafter.

2. By February 22, 1990, all of applicant's shareholders had voluntarily redeemed their shares at the respective net asset values per share. Thereafter, applicant ceased offering additional shares to the public.

3. Following receipt of the order requested by this application, applicant expects to file articles of dissolution pursuant to Maryland law.

4. All of the expenses incurred in connection with applicant's liquidation have been and will be borne by applicant's investment adviser, D.H. Blair Advisors, Inc.

5. As of the date of the application, applicant had no assets liabilities, or shareholders. Applicant is not a party to any litigation or administrative proceeding. Applicant is not engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-26265 Filed 11-6-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 1287]

Shipping Coordinating Committee; Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open public meeting at 1000 on Wednesday, 28 November 1990, in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The purpose of this meeting is to report on the results of the 63rd session of the International Maritime Organization (IMO) Legal Committee conducted 17-21 September 1990.

The principal focus of the SHC public meeting will be to provide an update of the ongoing Legal Committee deliberations concerning the question of liability and compensation related to the maritime carriage of hazardous and noxious substances (HNS).

The views of the public, and particularly those of affected maritime commercial and environmental interests, are requested.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room.

For further information or to submit views concerning any of the topics to be addressed at the SHC meeting, contact either Captain Jonathan Collom or Lieutenant Mark J. Yost, U.S. Coast Guard (G-LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267-1527, telefax (202) 267-4163.

Dated: October 25, 1990.

Thomas J. Wajda,

Chairman, Shipping Coordinating Committee.

[FR Doc. 90-26257 Filed 11-6-90; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice No. 1286]

Soviet and Eastern European Studies Advisory Committee; Meeting

The Department of State announces that the Soviet and Eastern European Studies (title VIII) Advisory Committee will convene on December 4, 1990, beginning at 10 a.m. in room 1105, U.S. Department of State, 2201 C Street, NW., Washington, DC.

The Advisory Committee will recommend grant recipients for the advancement of the objectives of the Soviet and Eastern European Research and Training Act of 1983. The agenda will include: opening statements by the Chairman of the Committee and its members; oral statements by interested members of the public about the title VIII program in general; and within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain "national organizations with an interest and expertise in conducting research and training concerning the USSR and Eastern Europe" based on the guidelines contained in the Call for Applications published in the **Federal Register** in June 1990.

This meeting will be open to the general public, however attendance will be limited to the seating available. Entry into the Department of State building is controlled and must be arranged in advance of the meeting. Those wishing to attend should notify Joanne Bramble, INR/RES, U.S. Department of State, (202) 632-2066. All attendees must use the 23rd Street entrance to the building.

Dated: October 22, 1990.

Kenneth E. Roberts,

Executive Director, Soviet and Eastern European Studies Advisory Committee.

[FR Doc. 90-26258 Filed 11-7-90; 8:45 am]

BILLING CODE 4710-32-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 216
Wednesday, November 7, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, November 7, 1990, 10:00 a.m. (Recess at 12:30 p.m. and resume at 3:00 p.m., if necessary.)

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Final Rule on Glue Removers Containing Acetonitrile and Permanent Wave Neutralizers Containing Potassium Bromate or Sodium Bromate*

The Commission will consider final rules to require child-resistant packaging for glue removers containing acetonitrile and permanent wave neutralizers containing potassium bromate or sodium bromate.

2. *Waterbed Petitions, CP 89-4*

The staff will brief the Commission on a petition submitted by the Consumer Federation of America, the New York State Attorney General, and the American Academy of Pediatrics requesting a mandatory labeling standard for adult-size waterbeds.

FOR A RECORDED MESSAGE CONTAINING THE LASTEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

Dated: November 1, 1990.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 90-26483 Filed 11-5-90; 2:12 pm]

BILLING CODE 6355-01-M

Corrections

Federal Register
Vol. 55, No. 216
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This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-015]

Television Receivers, Monochrome and Color, From Japan; Preliminary Results of Antidumping Duty Administrative Reviews

Correction

In notice document 90-24809 beginning on page 42616, in the issue of Monday, October 22, 1990, the table appearing in the first and second columns of page 42618, was published incorrectly and is correctly republished below.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer	Review no.	Period of review	Margin (percent)
Fujitsu General	8	03/01/86-02/28/87	49.56
	9	03/01/87-02/29/88	49.56
	11	03/01/89-02/28/90	[1] 49.56
Funai Electric	11	03/01/89-02/28/90	[1] 21.93
Hitachi	5	09/29/83-03/31/84	21.93
	6	04/01/84-02/28/85	21.93
	9	03/01/87-02/29/88	16.32
	10	03/01/88-02/28/89	22.90
	11	03/01/89-02/28/90	22.90
Matsushita	9	03/01/87-02/29/88	49.56
	10	03/01/88-02/28/89	49.56
	11	03/01/89-02/28/90	49.56
Mitsubishi	11	03/01/89-02/28/90	49.56
NEC	11	03/01/89-02/28/90	49.56
Sanyo	9	03/01/87-02/29/88	16.32
	10	03/01/88-02/28/89	22.90
	11	03/01/89-02/28/90	22.90
Seiko Epson	11	03/01/89-02/28/90	[1] 21.93
Sharp	11	03/01/89-02/28/90	[1] 4.76
Toshiba	8	03/01/86-02/28/87	[1] 0.00
	10	03/01/88-02/28/89	[1] 0.00
	11	03/01/89-02/28/90	[1] 0.00
Victor	9	03/01/87-02/29/88	49.56
	10	03/01/88-02/28/89	49.56
	11	03/01/89-02/28/90	[1] 49.56

[1] No shipments during the period; rate from last period in which there were shipments.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412 and 413

[BPD-673-F]

RIN 0938-AE56

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1991 Rates

Correction

In rule document 90-20677 beginning on page 35990 in the issue of Tuesday, September 4, 1990, make the following corrections:

1. On page 36020, in the first column, in the 19th line from the bottom, "years" should read "days".

2. On page 36022, in the third column, in the first full paragraph, in the eighth line from the end, "with" should read "will".

3. On page 36023, in the third column, in the second full paragraph, in the 11th line, "inputed" should read "imputed".

4. On page 36024, in the third column, in the 25th line from the bottom, "of" should read "or".

PART 412--[CORRECTED]

5. On page 36068, in the second column, in the authority citation for part 412, on the third line, "1394hh, and 1394ww" should read "1395hh, and 1395ww".

§ 412.23 [Corrected]

6. On the same page, in the third column, in § 412.23(f), in the eigth line, "December 19, 1969" should read "December 19, 1989".

§ 412.75 [Corrected]

7. On page 36069, in the third column, in § 412.75(h)(2)(iii), in the fourth line, "§ 45.1875" should read "§ 405.1875" and in paragraph (h)(3), in the second line, "paragraph" should read "paragraphs".

§ 412.118 [Corrected]

8. On page 36070, in the third column, in § 412.118, in paragraph (f)(3), in the third line, "regardless" was misspelled.

Addendum [Corrected]

9. On page 36135, in the third column, in table 6g, under the column labled "Description", in the 20th entry from the bottom, "corneal" was misspelled.

10. On page 36136, in the first column, in table 6g, in the 14th entry from the bottom, "interior" should read "anterior".

11. On page 36139, in the third column, in table 6k, in the column labeled "Description" in the 12th entry from the bottom, in the last line, insert ", NOS" after "neck".

12. On page 36167, in the second column, in the seventh full paragraph, in the seventh line, "solely" should read "sole".

13. On page 36169, in the first column of table III, in the sixth entry, "Puerto" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6809

[AZ-930-4214-10; A-22695]

Withdrawal of National Forest System Lands in Support of a Land Exchange Program; Arizona

Correction

In rule document 90-25189 appearing on page 42960 in the issue of Thursday, October 25, 1990, make the following correction:

In the second column, under the land description headed "**Gila and Salt River Meridian**", in the 11th line, "Lots and 6" should read "Lots 4 and 6".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Permanent Regulatory Program

Correction

In rule document 90-25597 beginning on page 45603, in the issue of Tuesday, October 30, 1990, make the following corrections:

1. On page 45606, in the third column, in amendatory instruction 2., in the second line, "paragraph (1)" should read "paragraph (l)".

§ 925.15 [Corrected]

2. On the same page, in the same column, in § 925.15(l), the paragraph designation "(1)" should read "(l)".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. 25812; Amdt. Nos. 23-41, 91-220, 135-38]

RIN 2120-AC14

Small Airplane Airworthiness Review Program Amendment No. 5

Correction

In rule document 90-25343 beginning on page 43306, in the issue of Friday, October 26, 1990, make the following correction:

On page 43310, in the second column, in amendatory instruction 4., in the sixth line, "paragraphs (a) and (b)", should read "paragraphs (a) and (d)".

BILLING CODE 1505-01-D

federal register

Wednesday
November 7, 1990

Part II

Environmental Protection Agency

40 CFR Part 171

Certification of Pesticide Applicator; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 171

[OPP-40011; FRL-3775-4]

RIN 2070-AB75

Certification of Pesticide Applicator

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing the revision of the rules at 40 CFR part 171 governing the certification of applicators of restricted use pesticides. This action will upgrade the provisions of certification programs and will more fully ensure protection of man and the environment from the potential adverse effects of pesticides.

DATES: Written comments must be submitted on or before March 8, 1991.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: John R. MacDonald, Office of Pesticide Programs (H7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1101, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: 703-557-7371.

SUPPLEMENTARY INFORMATION:

I. Authority

These proposed rules are issued pursuant to the authority given the Administrator of EPA in sections 11 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. section 136i and w (a)).

II. Background

FIFRA section 3 requires pesticides to be classified for either general use or restricted use. FIFRA section 11 further requires that restricted use pesticides be applied by or under the direct supervision of a certified applicator. The current rules at 40 CFR 171.1 through 171.11 address the certification of applicators of restricted use pesticides. 40 CFR 171.1 through 171.10 promulgated in 1974 and 1975 have remained unchanged except for the addition of 40 CFR 171.11 which addresses EPA certification of pesticide applicators in States or Indian tribes without approved certification programs. 40 CFR 171.11 was added to the rules on June 8, 1978 (43 FR 24837), and amended effective April 25, 1984 (49 FR 1775), to include a dealer recordkeeping program.

At present EPA has approved State-administered certification programs for both private and commercial applicators in every State except Colorado and Nebraska. In Colorado EPA certifies private applicators with commercial applicators certified by Colorado. In Nebraska EPA certifies both commercial and private applicators. EPA has also approved four Federal agency plans to certify their employees as restricted use pesticide applicators: Department of Agriculture, Department of Defense, Department of Energy, and Department of the Interior. EPA has currently approved the Fort Berthold Tribal certification program and is actively assisting other Indian tribes in the development of certification programs.

In 1985 a taskforce was appointed by EPA to review existing certification programs and policies to determine what, if any, actions should be taken to improve the certification program. The taskforce was composed of representatives of EPA, U.S. Department of Agriculture, State Cooperative Extension Services, and State Lead Agencies. The taskforce submitted a report in August 1985 identifying areas in need of improvement and specific recommendations for improvement. The taskforce was aware of the growing complexity and technological advancements in pesticides, especially in the agricultural community. Further, proper pesticide use has become an important component of broader environment concerns, such as groundwater protection, endangered species protection, worker protection, chronic toxicity, pesticide disposal, and pesticide residues in the food supply. Those in the agricultural community are aware of these trends and as a consequence have sought increased and specialized training. Therefore, the taskforce identified a need to upgrade the competency of private and commercial agricultural applicators. This resulted in the proposed provision applying the same general competency standards to private and commercial applicators. The categories of private and commercial agricultural applicators were also upgraded and expanded. The proposed rules would replace the existing rules at 40 CFR 171.1 through 171.11 and provide the foundation for implementing many of the taskforce recommendations.

III. Summary

There are significant differences between provisions in the current and proposed rules. The significant changes are:

Definitions, especially definition of pesticide use for which certification is required.

Establishment of private applicator categories.

Establishment of additional commercial applicator categories and subcategories.

Establishment of revised general and specific standards of competency, including elimination of the non-reader provision.

Provision for establishment of specialty categories or subcategories.

Establishment of various levels of supervision and training requirements for noncertified applicators.

Criteria for approval of State noncertified applicator training programs.

Expansion of commercial applicator recordkeeping to include training provided to noncertified applicators.

Establishment of a recertification requirement for private and commercial applicators.

Establishment of provisions for review and approval of Federal agency programs.

Transition from existing certification programs to programs that meet these revised rules.

Elimination of exemption for doctors of medicine and doctors of veterinary medicine.

Following is a more detailed explanation of those new or revised provisions and the reasons for proposing their adoption. The citation of the new or revised provisions in the proposed regulation is also provided.

A. Definitions

Proposed definitions under § 171.3. "Application method", "Site specific guidance", and "Use site". These definitions are new because of the proposed levels of supervision at § 171.35 which incorporate these terms.

"Indian governing body" and "Indian reservation". These definitions are new because of their use in the text of the revised rules.

"Personal protective equipment". This definition replaces the old definition of protective equipment. This revision reflects the terminology currently in use.

"Risk". This definition replaces the old definition of hazard. This revision reflects the terminology currently in use.

"Use". This definition is new. Section 3(d) of FIFRA permits the Administrator

to classify a pesticide, or certain uses of the pesticide, for restricted use to prevent unreasonable adverse effects on the environment. Section 12(a)(2)(F) of FIFRA prohibits use of a restricted use pesticide except in accordance with section 3(d) of FIFRA and rules issued thereunder. Under the general regulatory framework of FIFRA, use of a pesticide covers a wide range of activities, including the loading, mixing, application, storage, transport, and disposal of pesticides. All such use must always be done in accordance with label specifications. For purposes of part 171 and the certification of users of restricted use pesticides, EPA has determined that only certain use activities should require part 171 certification of the user. When a restricted use pesticide is involved, the user must be certified under part 171 (or under the direct supervision of a certified applicator) to load, mix, or apply the pesticide. In addition, storage, transport and disposal activities either routinely performed by the same person or easily capable of being performed by the same person that loads, mixes, or applies a restricted use pesticide are considered use for which certification is required. Use routinely done by persons other than a loader, mixer, or applicator, such as long-distance transport, long-term storage, or ultimate disposal, will not be considered use for which part 171 certification is required. Whenever the term "use" is found in part 171, its definition is limited to those activities for which certification is required.

The public is requested to comment on the proposed definitions.

B. Private Applicator Categories

Provisions under proposed § 171.5. The existing rules do not contain private applicator categories. Because of the increasing specialization of agriculture and the hazards to human health and the environment posed by certain types of pesticide applications, many States have chosen to establish categories for private applicators. The existing rules have a commercial agricultural pest control category consisting of agricultural plant and agricultural animal pest control. This agricultural pest control category is proposed as the basic private applicator category. The additional three categories proposed represent those areas of application requiring specialized knowledge.

The three proposed specialized categories of private applicator certification are: fumigation of soil and agricultural products, chemigation, and aerial application. However, certification in any of these three specialized categories should be concurrent with certification in the agricultural pest control category. This concurrent certification is proposed to assure that the private applicator has the basic knowledge to make a correct pesticide application.

The public is requested to comment on the proposed private applicator categories.

C. Commercial Applicator Categories and Subcategories

Provisions under proposed § 171.7. EPA also recognizes that the commercial categories have specialized requirements. Many States have established commercial applicator categories and subcategories to address these specialized requirements. The proposed rules would establish additional subcategories for Category 1, Agricultural Pest Control, establish subcategories for Category 7, Industrial, Institutional, Structural, and Health Related Pest Control, and establish a new aerial category.

The agricultural pest control category would retain the existing subcategories of plant pest control and animal pest control. The two subcategories added to the agricultural pest control category would be: fumigation of soil and agricultural products, and chemigation. It is proposed that certification in these latter two subcategories be concurrent with certification in the agricultural plant pest control subcategory.

The proposed rules establish 10 subcategories under Category 7, Industrial, Institutional, Structural, and Health Related Pest Control. Category 7 includes a variety of specialized application activities, and many States have established subcategories for Category 7 well in excess of the proposed 10 subcategories.

Aerial application is proposed as a separate commercial category with concurrent certification in another category appropriate to the type of application being performed. Not to have proposed aerial as a separate commercial category would have required creating aerial subcategories under a variety of categories, e.g. Category 1, Agricultural Pest Control; Category 2, Forest Pest Control; Category 5, Aquatic Pest Control; Category 6, Right-of-Way Pest Control; and Category 9, Regulatory Pest Control.

The public is requested to comment on the proposed commercial applicator categories and subcategories.

D. Standards of Competency

Provisions under proposed §§ 171.20, 171.25, and 171.27. The existing rules have separate standards of competency for private and commercial applicators. The present commercial standards are divided into general and specific standards of competency. The existing private applicator standards of competency have no separate general and specific standards, because there are no established categories. With the establishment of categories of private applicators in the proposed rules, there is a need for private applicator general and specific standards of competency. EPA has determined that the general and specific standards of competency used for commercial applicators should be the standards applied to private applicators as well. Similar general standards of competency for both private and commercial applicators was a specific recommendation of the 1985 State FIFRA Issues Research and Evaluation Group (SFIREG) Taskforce Report. The proposed rules also contain private and commercial specific standards of competency corresponding to the proposed categories and subcategories of certification.

The existing rules contain a provision for limited certification of private applicators who cannot read. The proposed rules would not permit the certification of a non-reader. The proposed rules would permit the certification of private and commercial applicators who are non-English readers. However, the proposed rules would limit the non-English reader certification to products that had labels in the non-English language the applicator could read and understand.

EPA is sensitive to the fact that elimination of this provision may adversely affect some farmers. Nonetheless, EPA believes that understanding of the label is critical to the safe use of restricted use pesticides. Labels are increasingly relied upon to transmit product specific information, relative to such subjects as worker protection, groundwater, endangered species, and human exposure. Therefore, because of the importance of the label EPA no longer believes a nonreader provision is justified. Existing non-reader certification may remain valid until expiration or recertification is required. Since most non-reader certifications were issued for a specific application in a single growing season, non-reader certification will not continue for any significant period of time.

The public is requested to comment on the proposed standards of competency and what demonstration of competency should be required.

E. Specialty Categories or Subcategories

Provision under proposed § 171.30. Existing general and specific standards of competency may not be totally applicable to some narrow, specialized uses of restricted use pesticides. Examples of this are pressure treating wood and painting a ship's hull with a restricted use pesticide. Here pesticides are used as part of the manufacturing process or for routine preventive maintenance. Another specialized use operation is loading/ mixing. Some applicators involved in the loading/ mixing of restricted use pesticides may not perform any other pesticide related activities and therefore do not need certification in a broader category. The specialty category provision will generally be used in those instances where the pesticide applicator is not concerned about pest identification or alternative means of control. Therefore, this provision permits a certification plan to establish specialty category(ies) or subcategory(ies) and to waive nonrelevant demonstration of general competency factors. However, the specialty category or subcategory must be specifically defined so the applicator cannot use a restricted use pesticide outside his or her area of certification. If the State, Federal agency, or Indian tribe proposes to waive general competency factors, an explanation must be provided of why the waived general competency factors were not relevant to the type of certification.

F. Levels of Supervision

Provisions under proposed § 171.35. The need to upgrade the requirements for the supervision of a noncertified applicator by the certified applicator was a major recommendation of the SFIREG 1985 Taskforce report. The existing requirements at 40 CFR 171.6 are general in nature and have resulted in some instances of supervision from locations far removed from the application site. While many States have imposed more stringent supervision requirements, other States use standards similar to the existing requirement at 40 CFR 171.6.

EPA reviewed varying levels of supervision in an attempt to identify levels that could be specifically described and which would ensure adequate protection of human health and the environment. EPA is proposing to establish three levels of supervision which will be incorporated in the future labeling of restricted use pesticides.

In developing this proposal, EPA considered other alternatives. First, EPA considered two-level approaches. One such approach consisted of either use only by a certified applicator or direct supervision from off-site as is currently required. The second approach consisted of either use only by a certified applicator or direct supervision where the certified applicator is at the point of use. This requirement would have cost $142,640,000. In reviewing these two approaches, EPA determined that neither was sufficient. Some restricted use products warrant closer supervision than might be provided from off-site. If a two-level approach with off-site supervision is used, many products that could be used by an uncertified person under closer supervision,would ultimately be placed into the higher category to ensure their safe and proper use. Further, the two-level approach with supervision occurring at the point of use does not provide the certified applicator any flexibility in terms of his or her physical distance from the uncertified applicator. EPA believes that under this approach, certified applicators would ultimately perform the application themselves since they would have to be at the point of use anyway.

Another suggestion that EPA considered was to eliminate variability in terms of the degree of supervision and require that all users of restricted use pesticides be certified applicators. This requirement would have cost $394,000,000. While this would ensure simplicity in terms of the use of these products, EPA believes that some restricted use products can be used appropriately by an individual who has received instruction from a certified applicator. Therefore, EPA does not believe that classifying all restricted use products in such a way as to limit their use to only certified applicators is appropriate.

The three levels EPA proposes can be summarized as follows: (1) use only by a certified applicator, (2) direct supervision by a certified applicator who is required to be on site at all times and available at the point of use within 5 minutes, and (3) direct supervision by a certified applicator who is not required to be on site.

Use only by a certified applicator is the most restrictive level proposed and is self explanatory. EPA would apply this restriction to pesticide products when EPA believes the level is necessary to assure that there are no adverse effects on humans or the environment.

Through the middle level of supervision (certified applicator on site and available within 5 minutes) EPA is attempting to assure that an application by noncertified applicators is more closely monitored and the certified applicator is more quickly available if needed.

The least stringent level of supervision proposed, supervision of the noncertified applicator from off-site, is similar to the standard of supervision currently described at 40 CFR 171.6. EPA is not attempting to specifically define the reasonable period of time for this level of restricted use. Instead, the certified applicator is expected to use judgement based on knowledge of the pesticide's properties, and the nature of the site to determine the degree to which the pesticide use should be supervised. EPA is proposing to maintain this broad standard because it believes that the use of many restricted use pesticides can be accomplished without adverse effects to people or the environment, provided the noncertified applicator has received training from the certified applicator regarding the product's use and potential for harm.

Within the context of a three-level system which EPA believes is warranted and will be effective, several alternatives for defining level two were considered. Following are the alternatives and the rationale for not proposing those alternatives.

(a) Line of sight supervision - Line of sight supervision has been used to describe the degree of supervision for some restricted use products in the past. However, EPA has been informed that there are practical difficulties with this concept. For instance, questions arise regarding whether this degree of supervision requires that the certified applicator be able to see the uncertified applicator without aids to enhance visibility (i.e., glasses or binoculars). Additionally, it is not clear whether line of sight must be maintained throughout use of the product to such a degree that even a momentary disruption due to a physical barrier such as, a tree, barn, or house, is a violation.

(b) On site supervision - This description of the degree of supervision does not necessarily provide for close physical association of the certified applicator to the noncertified applicator. For example, forest sites may be extremely large in area, and the requirement that the certified applicator be on site may still allow miles of separation from the noncertified applicator. A separation of this magnitude does not fulfill the need for the certified applicator to be able to act and react to situations in a reasonable period of time.

(c) Certified applicator with each work crew - Conceptually, EPA believes this degree of supervision merits

attention. However, in terms of clarity and understanding, EPA believes it cannot propose this concept. In attempting to define the size of a "work crew" and the land area over which such a crew might be spread out, EPA found the use of specific distances or timeframes the only acceptable means. For instance, the certified applicator would have to be within X yards or Y minutes of the noncertified applicator. This approach then results in a description similar to that which EPA is proposing for level two.

EPA believes that the requirement of availability within 5 minutes will ensure close proximity of the certified applicator to the noncertified applicator while allowing the flexibility not afforded through other standards such as line of sight or point of use.

In general, the levels of supervision described above address the same elements currently contained at 40 CFR 171.6. However, the proposed levels of supervision have more detailed requirements to assist certified applicators in understanding their specific responsibilities. These specific responsibilities include providing site-specific information to the noncertified applicator, based on the certified applicator's knowledge of the site. This information must be provided to the noncertified applicator prior to every application. In addition to providing instructions to the noncertified applicator, the certified applicator must determine that the noncertified applicator is competent to perform the application. Competency can be ascertained in one of two ways. If the noncertified applicator has successfully completed a State- administered, EPA-approved training program specific to the type of application, the certified applicator may assume that the noncertified applicator is competent. If the noncertified applicator has not successfully completed such a training program, the certified applicator must determine competency by providing instructions and observing the noncertified applicator's performance the first time an application method is used or type of site is treated. Whatever method is used to train the noncertified applicator, it must be done within 5 years of the date of the application to be performed.

EPA considered requiring State training of noncertified applicators. However, many States do not have the resources to institute such programs and the instruction provided by the certified applicator to the noncertified applicator is in most cases adequate to ensure proper use of a product. Therefore, EPA is not proposing a State training program requirement for noncertified applicators of restricted use products. However, EPA also believes that such programs do provide the degree of training necessary to claim competency. Therefore, EPA proposes to recognize such programs, where they exist, as a method of assuring noncertified applicator competency. The cost of the three level of supervision requirement is $39,350,000.

Another considered alternative which EPA requests comments would result in some products being labeled for use only by a certified applicator. Other products would be labeled for use under the supervision of a certified applicator with the level of supervision dependent on whether the noncertified applicator had received general competency training. If the noncertified applicator received general competency training, the certified applicator could be off-site as described in the proposed level three. If the noncertified applicator did not receive general competency training, the certified applicator would have to be on-site as described in the proposed level two. However, in all cases the certified applicator would be responsible for providing the noncertified applicator with appropriate site-specific information. This option would vary from the proposed levels of supervision in the following aspects: (1) there would only be two possible labeling options, (2) the least stringent labeling would permit a lesser degree of supervision if the noncertified applicator had received general competency training and (3) the least stringent labeling would not require noncertified applicator general competency training if the certified applicator chose to be at the use site.

A possible additional provision to this option is a limitation on the number of nontrained, noncertified applicators that can be supervised by an on-site certified applicator. The rationale for this provision is that on-site supervision is close supervision. Close supervision is only possible for a limited number of noncertified applicators, e.g. three to five.

It is not possible to provide an exact cost of the two level supervision option. This is because it is unclear how many certified applicators would utilize the option of on-site supervision of noncertified applicators in place of training. However, it is clear that this option would cost less than the $39,350,000 cost of the three level supervision requirement. EPA anticipates that small farmers and businesses would benefit from this two level option more than larger operations. The establishment of a formal training program is a greater burden for a small operation. Also the larger operation generally has economics of scale in that a greater number of noncertified applicators will be trained. Further, the option of on-site supervision would not be viable for large operations if EPA limited the number of noncertified applicators under the supervision of a certified applicator.

The public is requested to comment on the levels of supervision. Comments are specifically requested on two versus three levels of supervision, definitions of on-site and off-site supervision, number of nontrained, noncertified applicators who could be supervised on-site, response time for supervisory applicator, training for noncertified applicators, initial on the job observation of noncertified applicators, and making availability of certified applicators dependent on training provided to noncertified applicators.

G. Approval of State Noncertified Applicator Training Program

Provisions under proposed § 171.42. As described above, the proposed standards of supervision for noncertified applicators by certified applicators provide two options for assuring the general competency of the noncertified applicator. If a State wishes to provide training to noncertified applicators, instead of requiring observation/instruction by the certified applicator, the State noncertified applicator training program must be approved by EPA. The criteria proposed for evaluation of State noncertified applicator programs are based on a review of existing State program requirements and State and EPA experience with the causes of pesticide misuse. Also reviewed were the proposed requirements for worker protection training contained in the Notice of Proposed Rulemaking for 40 CFR part 170. The purpose of the requirements at 40 CFR part 170 is to protect the safety and health of workers. Noncertified pesticide applicators need equivalent safety and health protection. Therefore, these relevant requirements are proposed for incorporation in 40 CFR 171.42(a). Incorporation of these worker requirements will eliminate some duplicative requirements, because those noncertified applicators trained under 40 CFR 171.42 will also meet the requirements for worker training under 40 CFR part 170. The overall cost of a noncertified applicator training requirement is $38,820,000. The cost of incorporating 40 CFR part 170 proposed requirements is $7,980,000 of this amount.

H. Commercial Applicator Recordkeeping of Noncertified Applicator Training

Provisions under proposed § 171.50. Current rules require commercial applicators to keep records of restricted use pesticide applications. Proposed provisions are expanded to include recorkeeping of the training provided noncertified applicators using restricted use pesticides under the supervision of a certified commercial applicator. For States with an EPA-approved noncertified applicator training program, the additional records required can be quite brief. Commercial applicator records pertaining to training in those States can consist primarily of the noncertified applicator's name, address, date of training, and identification number on his or her noncertified applicator training card or certificate.

In the absence of a State noncertified applicator training program approved by EPA, the burden of assuring the competency of the noncertified applicator rests fully on the certified applicator. The certified applicator must instruct and observe the noncertified applicator in the type of application to be performed. The training requirements must parallel those of an approved State noncertified applicator training program. The certified applicator must be physically present with the noncertified applicator and will be required to be at the location where the instruction and observation are occurring. The certified commercial applicator must make and maintain a record of the instruction and observation which will include an attestation form.

Section 11 of FIFRA prohibits EPA from requiring private applicators to maintain records. Therefore the recordkeeping requirements outlined above do not apply to private applicators. However, States may on their own authority require private applicator recordkeeping. Further, the lack of a recordkeeping requirement does not relieve the certified private applicator from meeting the requirements contained in the levels of supervision.

I. Recertification

Recertification provisions in State and Indian programs under proposed § 171.57. EPA is proposing implementation of a requirement that certified applicators in State and Indian programs be certified at least every 5 years. Presently, although there is no Federal requirement, most States require recertification every 3 to 5 years. EPA has decided to propose a 5-year rather than a 3-year recertification period for State and Indian programs because of concern that a shorter recertification period would put an unnecessary burden on applicators and limited State and Indian resources without a corresponding return in improved applicator competency. There was also concern that to implement a shorter recertification period some States and Indian Tribes would have to divert resources from training and enforcement, resulting in a less effective overall pesticide program.

EPA seriously considered a 3-year recertification period for commercial applicators. While a 5-year period is most common for private applicators, approximately 50 percent of the States presently require recertification of commercial applicators every 3 years. EPA believes that this higher standard might more fully assure commercial applicator awareness of changing technology, regulatory requirements, and overall competency. Further, the feasibility of more frequent commercial applicator recertification is demonstrated to some extent by the number of States currently recertifying commercial applicators on a 3-year or shorter period. EPA also considered a provision for a phase-in of a 3-year recertification period to distribute any burden placed on States by the imposition of this provision. This phase-in, if implemented, would provide the States with a fixed period of time to place all commercial applicators on a 3-year recertification cycle. The cost of instituting a 5-year recertification period for commercial and private applicators is $1,110,000. The cost of instituting a 3-year recertification period for commercial applicators and 5-year recertification period for private applicators is $6,480,000. Because of the importance EPA places on recertification as a means of assuring applicator competency and safe pesticide use, comments are specifically requested on alternative of a 3-year recertification provision for commercial applicators and a phase-in approach to implement this.

Recertification provisions in Federal agency programs under proposed § 171.62. EPA is proposing implementation of a requirement that certified applicators in Federal agency certification programs be recertified at least every 3 years. Certification in Federal agency programs is only granted in the commercial not private categories. In addition, Federal employees may operate in many States including those which have chosen a 3-year commercial recertification period (currently required by half the States). Thus having a recertification requirement equivalent to the more stringent State recertification period provides Federal employees the flexibility to work in any State without undergoing additional certification.

While there is currently no specified recertification period for Federal agency certification programs, all programs have adopted a 3-year recertification period. Therefore, this proposal would have no effect on currently operating Federal agency certification programs. A more complete description of the Federal agency program is contained in the following unit J.

Recertification provisions in EPA-administered programs under proposed § 171.70. The current regulation requires recertification of commercial applicators every 3 years and private applicators every 4 years in EPA-administered certification programs. EPA is proposing that these requirements be retained. Prior to 1983 recertification was required every 2 and 3 years for commercial and private applicators, respectively. Based on experience both with the EPA and State programs, that regulation was amended to the current 3 and 4 years recertification periods. EPA proposes that this recertification requirement be retained to insure EPA-administered programs are comparable to the more stringent State-administered programs and to act as an incentive to nonparticipating States to develop their own programs. A more complete description of EPA-administered programs is contained in unit K.

J. Federal Agency Certification Plans

Provisions under proposed § 171.62. The existing rules refer to development of a Government Agency Plan (GAP). Under this provision Federal agencies are provided the option of having their employees GAP-qualified. The States would have been encouraged to grant certification to these GAP qualified Federal employees. This provision was never implemented. Instead, on August 19, 1977, EPA issued a policy notice permitting Federal agencies to develop and submit certification plans to EPA for approval. The notice states that under EPA-approved Federal agency certification plans only commercial certification may be granted and certification is only valid in the performance of official duties. To date four Federal agencies' plans have been approved: the Departments of Agriculture, Defense, Energy, and Interior. Federal agencies with approved certification plans retain the option of having their employees State-certified. The State-certified option is often the choice for Federal agency employees

working within the boundaries of only one State. Federal agencies with employees working in several States are more inclined to develop and use Federal agency certification programs, which are valid throughout the country.

The proposed rules incorporate the provisions contained in the policy notice of August 19, 1977, and no impact from this action is anticipated. Federal agencies would, however, be affected by other provisions of the proposed rules, such as, the levels of supervision. As discussed earlier, current Federal agencies certification programs all contain a 3-year recertification period. The proposed regulation requires recertification every 3 years in Federal agency programs. While this is more stringent than the 5-year recertification required of State programs, EPA believes that Federal agencies should meet the more stringent recertification period voluntarily adopted by many States, especially since Federal certification will be effective in more than one State.

K. EPA-Administered Certification Programs

Provisions under proposed § 171.70. The proposed provisions authorize EPA to administer certification programs in States without approved certification programs. The proposed provisions are contained in the current regulation. Under the current regulation EPA administers programs for certification and recertification of private and commercial applicators in Nebraska. In Colorado EPA certifies private applicators with Colorado certifying commercial applicators. The EPA-administered programs must meet all requirements imposed on State programs. The recertification requirement as discussed earlier is more stringent for EPA-administered programs than State-administered programs. This provision is designed to insure EPA-administered programs will be comparable to the more stringent State programs that exceed the minimum recertification requirement contained in the proposed regulation and to act as an incentive to nonparticipating States to develop their own programs.

L. Transition from Existing Certification Programs to New Programs

Provisions under proposed § 171.78. EPA realizes that the revision of many certification programs will be required when the proposed rules become final. EPA also realizes that in some instances revisions may be required to the laws, rules, procedures, etc., of States, Indian tribes, and other Federal agencies. However, EPA wishes to implement the final rules in an expeditious manner. Therefore, upon promulgation of the rules, EPA will work with States, Indian tribes and Federal agencies with certification programs to determine what program revisions are required and when these revisions will occur. Within 6 months of the effective date of the final rules, a status report and schedule for modifying the individual certification programs will be published in the **Federal Register**. A specific justification will be provided for program changes requiring more than 1 year from the effective date of the final regulation to implement.

M. Elimination of Exemption for Doctors of Medicine and Doctors of Veterinary Medicine

The existing rules at 40 CFR 171.4(e) contain an exemption from certification for (1) persons conducting laboratory type research involving restricted use pesticides and (2) doctors of medicine and doctors of veterinary medicine applying restricted use pesticides as drugs or medication during the course of their normal practice.

The proposed rules would retain the exemption for laboratory researchers but eliminate the exemption for doctors of medicine and doctors of veterinary medicine. EPA proposes retaining the exemption for laboratory research because of the existence of laboratory procedures and facilities for the safe handling and disposal of hazardous chemicals and pesticides, the level of training of the end user of the restricted use pesticide, the lack of opportunity for use by an untrained person, and the lack of opportunity for the public to be exposed to the restricted use product.

EPA proposes the elimination of the exemption for practicing doctors of medicine and doctors of veterinary medicine for several reasons. First, normal work practices and procedures have not traditionally addressed the safe handling and disposal of chemicals or pesticides. Second, end users may not always be properly trained, especially nurses, technicians, assistants, or animal owners. Third, there is a greater potential risk of exposure to humans and the environment either directly during use or from secondary exposure, e.g. treated animals, air, or clothing. The cost of requiring doctors of medicine and doctors of veterinary medicine to be certified is $200,000.

N. Impact of Regulation on Small Farmers and Businesses

EPA is concerned with the impact of this regulation on small farmers and businesses. Comments are especially solicited from these groups. Of special interest to EPA is the impact of the levels of supervision, noncertified applicator training, categories of certification, standards of competency, and commercial applicator recordkeeping of noncertified applicator training.

IV. Relationship to Other Rules

On July 8, 1988, (53 FR 25970), EPA issued a proposed rule entitled "Worker Protection Standards for Agricultural Pesticides". The purpose of the proposed rule at 40 CFR part 170 is the protection of workers from the adverse effects of pesticide use. The rule presently being proposed at 40 CFR part 171 will regulate the certification of applicators of restricted use pesticides. Certification under the authority of 40 CFR part 171 is intended to assure the competence of those using or supervising the use of restricted use pesticides. EPA is aware of the possible relationship and linkages between 40 CFR parts 170 and 171. While 40 CFR part 171 is more narrow in scope, it will contribute to the overall goals of 40 CFR part 170. EPA will modify 40 CFR part 171 as needed to enhance these linkages with 40 CFR part 170.

V. Economic Analysis

EPA has evaluated the potential costs to pesticide applicators resulting from the proposed revisions to the current rules. EPA's complete economic analysis is available in the public record for this proposed rule. (OPP–40011).

VI. Rulemaking Record

EPA has established a record of this rulemaking (docket control number OPP–40011. This record presently contains the following information:

1. Current rule.
2. Proposed rule.
3. The economic analysis of this proposed rule.
4. Report of the EPA/SFIREG Certification and Training Task Force (1985).

As comments are received on this proposed rule they will be added to this record. In addition, upon publication the final rule will be added to this record. A public version of this record is available for review and copying from 8 a.m. to 4 p.m., Monday through Friday, except holidays, in the Public Docket and Freedom of Information Section, Room 246, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

VII. Statutory Review

A. U. S. Department of Agriculture

As required by FIFRA section 25(a), a copy of this proposed rule was provided to the Secretary of Agriculture. On February 2, 1990, Charles L. Smith provided written comments on behalf of the Secretary. Following is a summary of each comment, together with the Agency's response.

Comment #1: Overall comment that the regulation will require more pesticide applicators to be certified and trained. This will place an increased burden on already limited funding provided USDA by the Agency.

Response: The Agency agrees more applicators will need to be certified and trained. While more funding may be required, the Agency is exploring the use of other organizations to supplement USDA training activities.

Comment #2: The "use definition proposed expands the current use definition to include mixing, loading, transport, storage, or handling after the pesticide seal is broken. This expansion of the definition will increase the need for training and place a further burden on USDA.

Response: There is currently not a use definition in the statute or regulation. The definition proposed includes mixing, loading, transport, storage, or handling of a pesticide after the seal is broken, because these activities are potentially hazardous. As to the need for increased resources, the Agency is exploring the incorporation of the training resources of outside organizations into the overall effort.

Comment #3: Does not believe it appropriate to establish private applicator categories, but rather permit States to establish categories as States feel are required.

Response: The State may still establish additional private applicator categories or have fewer categories than proposed in the regulations. EPA established private applicator categories because of the need for specialized competency for various types of pesticide applications. Since these activities are specialized, the Agency feels only those private applicators involved in the activities need to be required to demonstrate competency in the specialized areas. If a State does not permit private applicator chemigation (a proposed category), then a chemigation category is not required and chemigation competency need not be addressed. However, if a State does permit private applicator chemigation, but does not wish to have a separate chemigation category, then chemigation standards must be contained in the State established private applicator category that permits chemigation.

Or viewed another way, those performing activities addressed by any of the four proposed categories must meet the corresponding standards. The Agency will permit the States to eliminate the activities defined by the proposed categories or to combine or breakout the categories. But when an applicator performs chemigation he or she must meet the chemigation standards.

Comment #4: Does not feel that commercial applicator subcategories are appropriate.

Response: The workgroup developing the proposed rule felt subcategories are necessary, because commercial applicators require specialized knowledge. The subcategories are a mechanism to assure this specialized knowledge is received. Comments are solicited both on the need for subcategories and the subcategories proposed.

Comment #5: Guidance rather than rulemaking should be utilized to establish additional commercial subcategories and accompanying competency requirements.

Response: Rulemaking has several advantages over guidance. Most importantly it provides all interested parties an opportunity to comment. Rulemaking is also binding on EPA and enforceable. For these reasons, EPA prefers rulemaking over guidance in areas that have an important impact on the public and/or regulated community. EPA views the establishment of categories and subcategories and accompanying standards of competency as having an important impact and therefore proposes that this be done by rule not guidance.

Comment #6: USDA supports the general standards for private and commercial applicators as proposed.

Response: No response.

Comment #7: Supports a two-tier level of supervision rather than the proposed three-tier level of supervision

Response: This was the provision most discussed by the workgroup that developed the proposed rule. Therefore, the preamble addresses this provision in detail and specifically requests comments on this section of the proposed rule. The preamble also presents specific alternatives for comment.

Comment #8: Supports an initial on the job observation requirement of a noncertified applicator who has completed an EPA-approved State training program. The proposed rule only imposed this requirement when a noncertified applicator is trained by a certified applicator.

Response: EPA does not feel this requirement should be imposed, when a noncertified applicator has completed an EPA-approved State training program. However, EPA is soliciting public comments on this and other aspects of training requirements for noncertified applicators.

Comment #9: The proposed rule makes certified applicators responsible for ensuring that proper protective equipment is used and precautionary requirements are met. USDA recommends this requirement also be imposed on noncertified applicators.

Response: The certified applicator is responsible for the application of a restricted use pesticide. This proposed rule addresses certification requirements and the responsibilities of the certified restricted use pesticide applicator. Therefore, it is proposed that the certified applicator be responsible for assuring use of proper protective equipment by the noncertified applicator.

Comment #10: Supports a recertification period of 5 years. Does not support a phase-in to a 3-year recertification period.

Response: The proposed rule requires a 5-year recertification period for both commercial and private applicators in State-administered programs. There is no provision for a phase-in to a 3-year recertification in State- administered programs, but comments on this option are solicited in the preamble.

Comment #11: Supports a hyphenated version of "restricted use", i.e. restricted-use.

Response: It is not EPA practice to utilize a hyphen in the term "restricted use". Section 6.16 of the Government Printing Office Style Manual states "Where meaning is clear and readability is not aided, it is not necessary to use a hyphen..." The term "restricted use" has no hyphen in FIFRA and consistent with this usage EPA has utilized the term without hyphen in other documents and correspondence.

Comment #12: Supports use of term "agricultural commodities" in place of "agricultural crops". This is a broader term and more adequately reflects those involved in the agricultural activities defined in the proposed rule.

Response: Term "agricultural commodities" has been substituted for term "agricultural crops" as recommended at 40 CFR 171.5 and 171.25.

Comment #13: States that 40 CFR 171.20 is redundant in that standard requires recognition of poisoning

symptoms plus recognition of acute toxicity. Poisoning symptoms and acute toxicity in the context of this rule are the same.

Response: General standards have been revised to eliminate redundancy.

Comment #14: Reentry interval should be addressed in labeling not at 40 CFR 171.20, the general standards section.

Response: The proposed provision is intended to assure that the applicator understands the importance and function of periods during which entry into treated areas is restricted. The label will contain specific restrictions on such entry.

Comment #15: The use of the word "role" in the general standards at 40 CFR 171.20 is confusing.

Response: Earlier drafts used the word "role". This word has been eliminated in the proposed rule.

Comment #16: Delete "and other protected species" in the general standards at 40 CFR 171.20.

Response: The rule is revised to read "protection of endangered and threatened species". This language corresponds with the terminology used in the Endangered Species Act.

Comment #17: Delete from general standards 40 CFR 171.20 "stages of life cycle when pests are most vulnerable". This information varies according to target pest and pesticide utilized and is, therefore inappropriate in general standards.

Response: Deleted as recommended.

Comment #18: The general standards at 40 CFR 171.20 is proposed as "factors in choosing the most appropriate equipment for applicable situations, including chemigation." The last two words "including-chemigation" should be deleted, because some States do not permit chemigation.

Response: Deleted phrase "including chemigation".

Comment #19: Support the nonreader provision as proposed.

Response: No response.

Comment #20: Forest Pest Control should be expanded to include rangeland. Forest nurseries and seed production should be grouped with ornamental and turf pest control.

Response: The workgroup developing the proposed rule considered various optional categories and subcategories. In the commercial categories it was decided to retain the basic categories in the existing regulations. Therefore, rangeland applicators would continue to be addressed under the agricultural plant pest control subcategory. These basic categories are familiar to the States and training programs have been developed around many of these categories. Further, the States will continue to have the ability to create their own categories and subcategories, but will be required to incorporate the appropriate competency standards. Therefore, while other categories and subcategories are feasible the categories and subcategories as presently written will be retained in the proposed rulemaking. Comments are requested on the proposed categories and subcategories.

Comment #21: Permit Federal agencies to certify their employees as private applicators.

Response: Federal Agency Plans permit certification of Federal employees as restricted use pesticide applicators. This certification is valid only in performance of their official duties. Federal Agency Plans are most often used when a Federal employee must operate in several States making multi-State certification difficult. FIFRA section 2(e)(2) defines a private applicator as one producing an agricultural commodity. EPA does not feel a Federal employee applying a restricted use pesticide in performance of official duties meets this criteria and such an interpretation would not meet the intent of Congress.

Comment #22: Persons certified under a Federal Agency Plan should be permitted to apply restricted use pesticides outside their official duties.

Response: This would be counter to the purpose of a Federal Agency Plan as described in the preceding response. Such an interpretation would encroach on the legitimate rights of States to regulate pesticides within their boundaries. Further, this would clearly not be in accord with the intent of Congress or FIFRA section 23 which addresses EPA and State cooperation.

Comment #23: Do not include 40 CFR 171.62(a)(5) in the proposed rule.

Response: This section of the proposed rule contains provisions addressing the use of contractors by Federal agencies with approved certification plans. This section reflects provisions already contained in the approved Federal Agency Plans. These provisions are designed to foster Federal agency and State cooperation and will therefore be retained in the proposed rule.

B. Congressional Committees

As required by FIFRA section 25(a), a copy of this proposed rule was provided to the Committee on Agriculture, Nutrition and Forestry of the U. S. Senate and the Committee on Agriculture of the U.S. House of Representatives. No comments were received.

C. Scientific Advisory Panel

Pursuant to FIFRA section 25(d) the Scientific Advisory Panel waived formal review of this proposed rule. The Scientific Advisory Panel determined that this proposed rule did not involve scientific studies or decisions and therefore was not subject to review.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major" rule because it will not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act [5 U.S.C. 605(b)], EPA has determined that this proposed rule will not have a significant impact on a substantial number of small businesses. Small businesses are already required to have certified those employees who apply or supervise the application of restricted use pesticides. The proposed revisions to the existing rules will involve some additional recordkeeping, more training for noncertified applicators, and closer supervision of noncertified applicators. However, these additional requirements are not deemed to constitute a significant impact on a substantial number of small businesses.

C. Paperwork Reduction Act

This proposed rule and associated information collection request (ICR) amend a previously approved ICR (OMB Clearance No. 2070–0029) and impose additional burden hours as a result. The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 40 U.S.C. 3501 et seq. An Information Collection Request document has been prepared by EPA (ICR No. 0155.03) and a copy may be obtained from Harold Hodges, Information Policy Branch; Environmental Protection Agency; 401 M St., SW., (PM–223); Washington, DC 20460, or by calling (202) 382–2706. Public reporting burden for this collection of information is estimated to average 2.2 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the

data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA".

List of Subjects in 40 CFR Part 171

Indians-lands, Intergovernmental relations, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 24, 1990.

William K. Reilly,

Administrator.

Therefore it is proposed that 40 CFR part 171 be revised to read as follows:

PART 171—CERTIFICATION OF PESTICIDE APPLICATORS

Subpart A—General Provisions

Sec.

Subpart B—Certification Standards

Subpart C—State Plans and Training Programs

Subpart D—Federal and Indian Reservation Plans

Subpart E—Transition Procedures

Authority: 7 U.S.C. 136b and 136w.

Subpart A—General Provisions

§ 171.1 Scope.

This part addresses the certification of applicators of restricted use pesticides.

§ 171.3 Definitions.

(a) *General.* Terms used in this part shall have the meanings set forth for such terms in the Act. In addition, the following definitions are applicable to all aspects of the certification of pesticide applicator program in this part:

Accident means an unexpected, undesirable event, caused by the use or presence of a pesticide, that adversely affects man or the environment.

Act means the Federal Insecticide, Fungicide, and Rodenticide Act.

Administrator means the Administrator of the Environmental Protection Agency, or any officer or employee of the Agency to whom authority has been delegated, or to whom authority may be delegated, to act in the Administrator's behalf.

Agricultural commodity means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) for sale, consumption, propagation, or other use by man or animals.

Application method means the way a pesticide is dispersed, including its preparation for dispersal and disposal of any excess material remaining in machinery.

Calibration of equipment means measurement of dispersal or output of application equipment and adjustment of such equipment to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

Certification means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides.

Certified applicator means any individual who is certified to use or supervise the use of any restricted use pesticides covered by his/her certification.

Commercial applicator means a certified applicator (whether or not he/she is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of *private applicator.*

Common exposure route means a likely way (dermal, oral, or respiratory) by which a pesticide may reach and/or enter an organism.

Compatibility means that property of a pesticide which permits its use with other chemicals without undesirable results being caused by the combination.

Competent means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

Environment means air, land, water, all plants and man and other animals living therein, and the interrelationships which exist among them.

EPA, unless otherwise specified, means the United States Environmental Protection Agency.

Forest means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns.

Host means any animal or plant on or in which another lives for nourishment, development, or protection.

Indian Governing Body means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

Indian Reservation means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

Non-target organism means an animal or plant other than the one against which the pesticide is applied.

Ornamental means shrubs, trees, and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, and industrial and institutional buildings.

Personal protective equipment means devices and clothing that are worn over, in place of, or in addition to normal work attire for the purpose of protecting the human body from contact with pesticides or pesticide residues.

Practical knowledge means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations.

Private applicator means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him/her or his/her employer or (if applied without compensation other than trading of personal services between

producers of agricultural commodities) on the property of another person.

Regulated pest means a specific organism considered by a State or Federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures to protect the host, man, and/or the environment.

Restricted use pesticide or *RUP* means a pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of the Act.

Risk means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

Site specific guidance means the instructions a certified supervisor provides to a noncertified applicator concerning the interrelationship between the characteristics of the use site, such as surface and ground water, endangered species, local population, safety hazards, etc., and the conditions of application such as equipment, method of application, formulation, and hazards, to ensure a safe and effective application.

Standard means the measure of practical knowledge and ability which shall be demonstrated as a requirement for certification.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of Pacific Islands, and the American Samoa.

Susceptibility means the degree to which an organism is affected by a pesticide at a particular level of exposure.

Toxicity means the property of a pesticide to cause any adverse physiological effects.

Use means performance of the following pesticide related activities requiring certification: application; mixing; loading; transport, storage or handling after manufacturer's seal is broken; care and maintenance of application and handling equipment; and disposal of pesticides and their containers in accordance with label requirements. There are uses not requiring certification under this part, such as, long-distance transport, long-term storage, or ultimate disposal.

Use site means pesticide use site groups as described at 40 CFR part 158, appendix A.

(b) *Specific definitions.* The following definitions apply only to dealers, dealerships, and transactions in States or on Indian Reservations where EPA conducts a Federal Pesticide Applicator Certification Program.

Dealership means any site owned or operated by a restricted use pesticide retail dealer where any restricted use pesticide is made available for use, or where the dealer offers to make available for use any such pesticide.

Make available for use means to distribute, sell, ship, deliver for shipment, or receive and (having so received) deliver, to any person. However, the term excludes transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities.

Noncertified person means any person who is not holding a current valid certification document indicating that he or she is certified under section 11 of the Act in the category of the restricted use pesticide made available for use.

Principal place of business means the principal location, either residence or office, in the State in which an individual, partnership, or corporation applies pesticides.

Restricted use pesticide retail dealer means any person who makes available for use any restricted use pesticide, or who offers to make available for use any such pesticide.

§ 171.5 Private applicators of pesticides.

(a) *Procedure.* Categories of private applicators using or supervising the use of restricted use pesticides are identified below. States submitting a plan may utilize in whole or in part these categories. A State may create new categories or subcategories and may also combine those categories listed in paragraph (b) of this section. State-created categories or subcategories will be evaluated against the categories in paragraph (b) of this section and the accompanying specific standards for private applicators at § 171.25. Where a State-created category or subcategory certifies an applicator for the type of application corresponding to the EPA categories defined in paragraph (b) of this section, the State standards shall be as stringent as the applicable standards at § 171.25.

(b) *Categories*—(1) *Agricultural pest control.* This category includes private applicators using or supervising the use of restricted use pesticides in production of agricultural commodities, including but not limited to tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; as well as on grasslands and noncrop agricultural lands. This category also includes private applicators using or supervising the use of restricted use pesticides on animals, including but not limited to beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined.

(2) *Fumigation of soil and agricultural products.* This category includes private applicators using or supervising the application of restricted use pesticides for soil fumigation in production of an agricultural commodity and the application of restricted use pesticides for fumigation of agricultural products. Certification in this category requires concurrent certification in Category 1, Agricultural pest control.

(3) *Chemigation.* This category includes private applicators using or supervising the application of restricted use pesticides through an irrigation system. Certification in this category requires concurrent certification in Category 1, Agricultural pest control.

(4) *Aerial application.* This category includes private applicators applying restricted use pesticides by fixed or rotary wing aircraft in production or in the support of production of agricultural commodities, including but not limited to tobacco, feed grains, corn, soybeans and forage; vegetables; small fruits; tree fruits and nuts, as well as on grasslands and non-crop agricultural lands. Certification in this category requires concurrent certification in Category 1, Agricultural pest control.

§ 171.7 Commercial Applicators of Pesticides.

(a) *Procedure.* Categories of commercial applicators using or supervising the use of restricted use pesticides are identified below. States submitting a plan may utilize in whole or in part these categories and subcategories. In addition, a State may create new categories or subcategories and may also combine those listed in paragraph (b) of this section. State-created categories or subcategories will also be evaluated against the categories and subcategories listed at paragraph (b) of this section. Where a State-created category or subcategory certifies an applicator corresponding to the EPA categories or subcategories listed at paragraph (b) of this section, the State standards shall be as stringent as the applicable standards at § 171.27.

(b) *Categories*—(1) *Agricultural pest control*— (i) *Agricultural plant pest control.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including but not limited to tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small

fruits; tree fruits and nuts; as well as on grasslands and noncrop agricultural lands.

(ii) *Agricultural animal pest control.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides on animals, including but not limited to beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock, and to places on or in which animals are confined.

(iii) *Fumigation of soil and agricultural products.* This subcategory includes commercial applicators using or supervising the application of restricted use pesticides for soil fumigation in production of an agricultural commodity and the application of restricted use pesticides for fumigation of agricultural products. Certification in this subcategory requires concurrent certification in paragraph (b)(1)(i) of this section.

(iv) *Chemigation.* This subcategory includes commercial applicators using or supervising the application of restricted use pesticides through an irrigation system. Certification in this subcategory requires concurrent certification in paragraph (b)(1)(i) of this section.

(2) *Forest pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in forests, forest nurseries, and forest seed producing areas.

(3) *Ornamental and turf pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.

(4) *Seed treatment.* This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.

(5) *Aquatic pest control.* This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in paragraph (b)(8) of the section.

(6) *Right-of-way/Industrial weed control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric powerlines, pipelines, railway right- of-way, fence lines, structural perimeters, or other similar areas.

(7) *Industrial, institutional, structural and health related pest control*—(i) *Swimming pool pest control.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides in swimming pools and related facilities.

(ii) *Pest control in cooling water systems.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides in cooling water systems used to transfer or dissipate heat.

(iii) *Disinfection of equipment and structures.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to disinfect or sterilize medical/veterinary equipment, food/beverage/drug processing equipment, and the environmental surfaces of such places as hospitals/nursing homes, food processing areas, and plant and animal breeding facilities.

(iv) *Control of pests in food processing plants, excluding fumigation.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides in food manufacturing, processing, packaging, and storage facilities.

(v) *Control of pests in and around structures, excluding wood destroying pests and fumigation.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides in and around residential, commercial/institutional/industrial facilities, including food preparation areas such as, kitchens, cafeterias, or snack shops.

(vi) *Control of wood destroying organisms, excluding fumigation.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to control structural wood destroying pests, and the handling and topical application and injection of wood preservatives, for operations such as, groundline pole treatment, waterproofing, millwork cut-offs, or supplemental field treatment.

(vii) *Fumigation.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides, in gaseous form, within enclosed gas tight spaces such as, tents, structures, vehicles, or vessels, for a wide range of commodities and conditions.

(viii) *Bird control.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to control pest birds.

(ix) *Control of vertebrate pests other than birds and structural invaders.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to control vertebrate pests, other than birds.

(x) *Wood preservation.* This subcategory includes commercial applicators using or supervising the use of restricted use pesticides, at treating plants and saw mills, for preservative treatment of wood by pressure, dipping, soaking, and diffusion processes to produce a commodity for sale and/or installation.

(8) *Public health pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides for Federal, State, or other governmental units in public health programs for the management and control of pests having medical and public health importance.

(9) *Regulatory pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides for Federal, State or other governmental units in the control of regulated pests.

(10) *Demonstration and research pest control.* This category includes commercial applicators who demonstrate to the public the proper use and techniques of application of restricted use pesticides or supervise such demonstrations. Examples are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs. Also included in this category are commercial applicators conducting field research who use or supervise the use of restricted use pesticides. Examples are such persons as State, Federal, and other persons conducting field research utilizing restricted use pesticides.

(11) *Aerial pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides applied by fixed or rotary wing aircraft. In addition to certification in this category, certification is also required in one or more of the other categories listed in paragraph (b) of this section appropriate to the type of application being performed.

Subpart B—Certification Standards

§ 171.20 General standards for private and commercial applicators.

(a) All applicators shall demonstrate practical knowledge of the principles and practices of pest control and safety in use of pesticides. Determination of competency shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicator's certification and the following areas of competency:

(1) Label and labeling comprehension. (i) Labels and labeling are legal documents and the directions they contain shall be followed.

(ii) General format and terminology of labels and labeling.

(iii) Understanding directions for use, warnings, terms, names, symbols, and other information commonly appearing on pesticide labels.

(iv) Meaning of the term *Restricted Use* pesticide.

(2) Safety. (i) Understanding the terms acute and chronic toxicity, exposure, and how hazard is determined by exposure and a pesticide's toxicity.

(ii) Recognition of symptoms of acute toxicity and practical treatment.

(iii) Precautions to prevent injury to applicators and other individuals in or near treated areas.

(iv) Need for and use of personal protective equipment.

(v) Worker protection, including warnings, and reentry restrictions.

(vi) Transportation, storage, mixing, handling, application and disposal of pesticides including container disposal.

(3) Environmental risk. (i) Climatic factors that cause pesticide drift and runoff.

(ii) How terrain, soil and substrata influence surface and ground water contamination.

(iii) Recognition of sensitive areas and organisms affected by pesticide applications, drift and runoff.

(iv) Precautions for protection of endangered and threatened species.

(v) Methods of spill prevention and control.

(4) Pest identification and biology. (i) Principles of pest identification.

(ii) Recognition of damage or problems caused by pests.

(5) Pesticides and chemical control. (i) Types of pesticides, formulations and adjuvants.

(ii) Concepts of pesticide compatibility, synergism, persistence, and resistance.

(iii) Factors which affect a pesticide's effectiveness.

(iv) Selection of the correct formulation and method of application for a site and pest.

(6) Equipment. (i) Characteristics and main uses of typical pesticide application equipment.

(ii) Selection of the most appropriate equipment for applicable situations.

(iii) Proper care, maintenance, and use of application equipment.

(7) Calibration and calculation. (i) Dilution of concentrate formulations in accordance with label directions.

(ii) Calculation of area or volume to be treated, and amount of pesticide to be applied.

(iii) Adjustment of application equipment's nozzle, pressure, and speed to obtain correct pesticide output.

(8) Applicator related laws and regulations. (i) Applicable State and federal laws and regulations.

(ii) Applicator responsibility for pesticide use consistent with its label or labeling, and supervision of noncertified employees assigned to use a restricted use pesticide.

(iii) Applicator liability and penalties.

(b)(1) If a person applying for certification as a restricted use pesticide applicator is unable to read and understand a label written in English the responsible State agency may issue a limited certification. The certification will be limited to restricted use products where labels are available in the non-English language the applicator can read and understand. The procedure employed shall assure the Agency that the applicator not only understands the label but is also competent in the applicable standards contained in this section and § 171.25.

(2) Persons unable to read and understand a label in any language will not be certified as a restricted use pesticide applicator.

§ 171.25 Specific standards for private applicators.

(a) *Procedures.* Private applicators are required to demonstrate skills and knowledge specific to their certification. These specific competency standards are in addition to the general standards at § 171.20. The specific standards of competency set forth in paragraph (b) of this section are applicable to subcategories of certification established under § 171.5(b). Certification programs that adopt categories or subcategories not contained in this part will be required to develop corresponding specific standards of competency.

(b) *Specific standards of competency*—(1) *Agricultural pest control.* Applicators shall demonstrate practical knowledge of agricultural commodities grown in their State and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning relevant soil and water problems, preharvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, and non-target injury. Applicators shall also demonstrate practical knowledge of animals and their associated pests in their State. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator shall know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.

(2) *Fumigation of soil and agricultural products.* Applicators shall demonstrate practical knowledge of the use of personal protective equipment for fumigation, general safety procedures, including posting, reentry, and aeration. Further, they shall demonstrate knowledge of emergency procedures and application techniques appropriate to various situations.

(3) *Chemigation.* Applicators shall demonstrate practical knowledge of equipment associated with chemigation, including calibration techniques and use of an anti-back flow/check valve to prevent contamination of water supplies. They shall demonstrate knowledge of labeling requirements of products registered for chemigation, including posting requirements. Further, they shall demonstrate knowledge of the appropriate use of personal protective equipment associated with this type of application.

(4) *Aerial application.* Applicators shall demonstrate practical knowledge of the agricultural crops grown, as well as grasslands and non-crop agricultural lands, and the specific pests of those crops on which they may be using restricted use pesticides. Practical knowledge is required concerning soil and water problems, equipment calibration and maintenance, pre-harvest intervals, re-entry intervals, phytotoxicity, prevention of drift, and potential for environmental contamination, and non-target injury.

§ 171.27 Specific standards for commercial applicators.

(a) *Procedures.* Commercial applicators are required to demonstrate skills and knowledge specific to their certification. These specific competency standards are in addition to the general standards of competency under § 171.20. The specific standards of competency set forth in paragraph (b) of this section are applicable to the commercial applicator categories and subcategories of certification established under § 171.7(b). Certification programs that adopt commercial applicator categories or subcategories not contained in this part will be required to develop corresponding specific standards of competency.

(b) *Specific standards of competency*—(1) *Agricultural pest control*—(i) *Agricultural plant pest*

control. Applicators shall demonstrate practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, reentry intervals, phytotoxicity, and potential for environmental contamination, non-target injury, and community problems resulting from the use of restricted use pesticides in agricultural areas.

(ii) *Agricultural animal pest control.* Applicators applying pesticides directly to animals shall demonstrate practical knowledge of such animals in their State and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, since host animals will frequently be used for food. Further, the applicator shall know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.

(iii) *Fumigation of soil and agricultural products.* Applicators shall demonstrate practical knowledge of the use of personal protective equipment for fumigation, general safety procedures, including posting, reentry, and aeration. Further, they shall demonstrate knowledge of emergency procedures and application techniques appropriate to various situations.

(iv) *Chemigation.* Applicators shall demonstrate practical knowledge of equipment associated with chemigation, including calibration techniques and use of anti-back flow/check valve to prevent contamination of water supplies. They shall demonstrate knowledge of labeling requirements of products registered for chemigation, including posting requirements. Further, they shall demonstrate knowledge of the appropriate use of personal protective equipment associated with this type of application.

(2) *Forest pest control.* Applicators shall demonstrate practical knowledge of types of forests, forest nurseries, and seed production in their State and the pests involved. They shall possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied The applicator shall demonstrate practical knowledge of control methods and the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment shall be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(3) *Ornamental and turf pest control.* Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category shall demonstrate practical knowledge of application methods and the possible hazards to humans, pets, and other domestic animals.

(4) *Seed-treatment.* Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface agents which influence pesticide binding and may affect germination. They shall demonstrate practical knowledge of hazards associated with handling, sorting, and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

(5) *Aquatic pest control.* Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they shall have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects, and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

(6) *Right-of-way/Industrial weed control.* Applicators shall demonstrate practical knowledge of a wide variety of environments, since right-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the mode of action of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.

(7) *Industrial, institutional, structural, and health related pest control*—(i) *Swimming pool pest control.* Applicators shall demonstrate practical knowledge of undesirable microorganisms infesting swimming pools and their possible health and environmental effects. They shall have practical knowledge of the pesticides (antimicrobials) used, their effects on humans and the environment, and their compatibility with other pool chemicals. Applicators shall be knowledgeable in water circulation and pesticide dispersal systems, and shall be able to demonstrate expertise in water testing and ability to make required adjustments to maintain the necessary chemical balance.

(ii) *Pest control in cooling water systems.* Applicators shall demonstrate practical knowledge of the different cooling water systems used to transfer or dissipate heat. They shall demonstrate expertise in identifying and analyzing microbial problems and in selecting the appropriate antimicrobial agents and dispersing systems to maintain the microorganisms at tolerable levels.

(iii) *Disinfection of equipment and structures.* Applicators shall demonstrate practical knowledge of the different microorganisms that contaminate equipment and different environmental sites in medical, breeding, and food processing facilities. They shall demonstrate knowledge of the different chemicals used as gasses to sterilize equipment within specific chambers, or as room disinfectants in enclosed spaces, and the possible hazards associated with the use of such gasses. Applicants shall also have practical knowledge of the different chemical agents used as cleaning and antimicrobial agents to disinfect specific areas within a structure.

(iv) *Control of pests in food processing plants.* Applicators shall demonstrate practical knowledge of pests capable of infesting food materials at any stage of processing. They shall demonstrate knowledge of conditions conducive to infestations and selection of appropriate control procedures, other than fumigations, for each situation. Applicators shall demonstrate an awareness of the hazards associated with pesticides in food processing plants.

(v) *Control of pests in and around structures excluding wood destroying pests and fumigation.* Applicators shall demonstrate practical knowledge of household type pests, such as cockroaches, ants, silverfish, spiders, food and fabric insects, rats, bats, and other occasional invaders, that infest structures, stored products, and food preparation areas, such as kitchens,

cafeterias, or snack bars. They shall demonstrate knowledge of conditions conducive to pest infestations and selection of appropriate control procedures for each situation. Applicators shall demonstrate knowledge of hazards involved with pesticide usage.

(vi) *Control of wood destroying organisms excluding fumigation.* Applicators shall demonstrate practical knowledge of structural wood destroying organisms, such as beetles, termites, and fungi, and conditions conducive to infestation. They shall demonstrate knowledge and ability to select, calibrate, and use appropriate control procedures including rodding and trenching, topical application of pesticides and local injection of specially labeled liquid or solid wood fumigants into infested wood, such as poles, piling and railroad crossties. Applicators shall demonstrate knowledge of the hazards involved with handling and use of these pesticides and the appropriate application equipment to be used.

(vii) *Fumigation.* Applicators shall demonstrate practical knowledge of conditions requiring the application of fumigants, and selection of the most appropriate fumigation methods to use. They shall demonstrate knowledge of equipment used in fumigation, such as application, monitoring, testing, calculating, and personal protective devices. Applicators shall demonstrate ability to release, distribute, and maintain the correct fumigant concentrations for the product/structure being fumigated, under differing conditions. They shall have knowledge of the hazards involved with the use of fumigants.

(viii) *Bird control.* Applicators shall demonstrate practical knowledge of protected and unprotected pest birds and conditions conducive to bird problems. They shall demonstrate knowledge of all applicable laws and regulations protecting birds and the actions required in order to control protected pest species. Applicators shall demonstrate knowledge of bird control methods and the hazards involved with pesticide usage, especially secondary poisoning of non-target organisms.

(ix) *Control of vertebrate pests other than birds and structural invaders.* Applicators shall demonstrate practical knowledge of vertebrate pest animals, other than birds, and the conditions conducive to infestation and damage. They shall demonstrate knowledge of all applicable laws and regulations governing the control of such animals and the actions required to control protected or endangered animals. Applicators shall demonstrate knowledge of methods of control of pest animals, effects of such control on non-target organisms and other potential effects on the environment, and the hazards involved with pesticide usage.

(x) *Wood preservation.* Applicators shall demonstrate practical knowledge of conditions for which preservative treatment of wood is used. Applicators shall demonstrate a knowledge of the health and environmental hazards associated with wood treating procedures, and the need for informing purchasers of precautions for handling, use, and disposal of treated wood products. They shall demonstrate knowledge of all applicable treating and testing equipment.

(8) *Public health pest control.* Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests may be involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage. Applicators shall also be aware of all regulatory requirements for reentry precautions and warnings.

(9) *Regulatory pest control.* Applicators shall demonstrate practical knowledge of regulated pests, including applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties, since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments shall be made in new situations.

(10) *Demonstration and research pest control.* Persons demonstrating the safe and effective use of pesticides to other applicators and the public shall be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they shall demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. Applicators doing demonstration pest control work shall possess knowledge of all of the standards detailed under § 171.20. In addition, they shall meet the specific standards required under paragraph (b)(1) through (7) of this section as may be applicable to their particular activity in their State. Persons conducting field research or method improvement work with restricted use pesticides shall know the general standards detailed in § 171.20. In addition, they shall know the specific standards required under paragraph (b)(1) through (9) of this section as may be applicable to their particular activity in their State.

(11) *Commercial applicator aerial specific standard.* Applicators shall demonstrate practical knowledge of equipment calibration and maintenance and the avoidance of problems associated with aerial application, such as, drift and nontarget injury. In addition, applicators will demonstrate knowledge appropriate to the type of aerial application being performed through their additional certification in one or more of the categories listed at § 171.7(b).

(c) [Reserved]

(d) *Laboratory research.* The standards listed under paragraph (b) of this section do not apply for purposes of this part to persons conducting laboratory type research involving restricted use pesticides.

§ 171.30 Specialty categories.

Some pesticide uses are characterized by the application of one or a few pesticides in a routine well controlled fashion. The routine nature of the operation may not require the pesticide user to analyze the need for the application, pest identification, alternative means of control, or drift prevention. Examples of this situation are uses of a pesticide in a manufacturing process and periodic disinfectant treatment. In these cases, the State may establish a category or subcategory and waive competency in those areas of the general standards of competency that are not needed to assure a safe, effective, and environmentally sound pesticide application. In establishing this category or subcategory it shall be clearly defined what aspects of the general standards of competency are being omitted and

satisfactory justification provided. The category or subcategory shall also be clearly defined so the certified applicator does not apply pesticides outside the narrow area of certification.

§ 171.32 Method of determining competency of pesticide applicators.

(a) *Private applicators.* (1) The certification system adopted may use a written, oral, self-study, training, or other appropriate system to assure competency in pesticide application and knowledge of the appropriate laws, regulations, and labeling requirements. However, Agency administered programs as addressed under § 171.70 will not require a examination to determine the competency of private applicators. However, an examination can be offered as an option to private applicators.

(2) The recertification of private applicators is required by § 171.57(a)(2). The system for recertification shall assure that the applicator continues to meet the requirement as specified in § 171.57(a)(2).

(b) *Commercial applicators.* (1) The initial certification of a commercial applicator shall be based at a minimum on the taking and passing of a written examination based on the standards under §§ 171.20 and 171.27. Performance testing, classroom training, on-the-job training, etc., may, as appropriate, be utilized in conjunction with the written examination.

(2) A commercial applicator certified in one category and seeking initial certification in an additional category shall meet the requirement specified in paragraph (b)(1) of this section and take and pass a written examination based at a minimum on the standards under § 171.27. However, the written examination may omit the general standards established at § 171.20 if in the process of receiving certification in another category the applicator took and passed an examination addressing these standards.

(c) *The recertification of commercial applicators.* Recertification is required by § 171.57(a)(2), and may be based on written examination, self-study, training, or other appropriate system.

§ 171.35 Standards of supervision of noncertified applicators by certified private and commercial applicators.

(a) There are three levels of supervision for use of restricted use pesticides. The three levels are as follows:

(1) *Level One - only by a certified applicator.* Use only by a certified applicator and only for those uses covered by the certified applicator's certification.

(2) *Level Two - available at the use site.* Use by or under the direct supervision of a certified applicator who is required to be at the use site, and available to the noncertified applicator, and only for those uses covered by the certified applicator's certificate.

(i) During the noncertified applicator's use of a restricted use pesticide (RUP), the certified applicator shall be physically at the use site and capable of being with the noncertified applicator at the point of use within 5 minutes; shall ensure that the noncertified applicator has means by which to contact the certified applicator immediately, should the need arise; shall be available to be contacted by the noncertified applicator; and shall arrive at the point of use within 5 minutes of being summoned by the noncertified applicator.

(ii) The certified applicator shall provide site-specific guidance on how to conduct each individual pesticide use performed under his/her direct supervision. The certified applicator shall have knowledge of the conditions at each individual use site and shall provide instructions to the noncertified applicator that address specific use site conditions, application method, the type and amount of pesticide to be used, all hazards and precautions indicated on the pesticide labeling, and the presence and nature of any unusual or significant risks from environmental or human exposure. The certified applicator shall ensure that all protective equipment and precautionary requirements are adhered to by the noncertified applicator.

(iii) The certified applicator shall ensure the noncertified applicator's general competence for each type of use site or application method in which the noncertified applicator is expected to participate. Competence shall be determined by the noncertified applicator's holding a valid certificate or document indicating successful participation in a State-administered, EPA-approved training program specific to the type of application. In the absence of successful completion of such a training program, the certified applicator shall ensure the noncertified applicator's competence by, at a minimum, observing the performance of the noncertified applicator and instructing the noncertified applicator in proper application, the first time each type of pesticide use site is treated or application method is employed. The certified applicator shall ensure that the noncertified applicator received the training within 5 years of the date of the application to be performed.

(3) *Level Three - off use site.* Use by or under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's certification.

(i) During the noncertified applicator's use of a RUP, the certified applicator shall have the capability to be at the use site and with the noncertified applicator, at the point of use of the RUP, within a reasonable period of time; ensure that the noncertified applicator has means by which to contact the certified applicator immediately, should the need arise; shall be available to be contacted by the noncertified applicator; and shall arrive at the point of use within a reasonable period of time if summoned by the noncertified applicator. The potential for serious consequences of a delay in arriving at the use site will be taken into consideration when determining what is a *reasonable period of time.*

(ii) The certified applicator shall provide site-specific guidance on how to conduct each individual pesticide use performed under his/her direct supervision. The certified applicator shall have knowledge of the conditions at each individual use site and shall provide instructions to the noncertified applicator that address specific use site conditions, application method, the type and amount of pesticide to be used, all hazards and precautions indicated on the pesticide labeling, and the presence and nature of any unusual or significant risks from environmental or human exposure. The certified applicator shall ensure that all protective equipment and precautionary requirements are adhered to by the noncertified applicator.

(iii) The certified applicator shall ensure the noncertified applicator's general competence for each type of use site or application method in which the noncertified applicator is expected to participate. Competence shall be determined by the noncertified applicator's holding a valid certificate or document indicating successful participation in a State-administered, EPA-approved training program specific to the type of application. In the absence of successful completion of such a training program, the certified applicator shall ensure the noncertified applicator's competence by, at a mimimum, observing the performance of the noncertified applicator and instructing the noncertified applicator in proper application, the first time each type of pesticide use site is treated or application method is employed. The certified applicator shall ensure that the noncertified applicator received the

training within 5 years of the date of the pesticide application to be performed.

(b) [Reserved]

Subpart C—State Plans and Training Programs

§ 171.42 State programs for training of noncertified applicators.

(a) States may develop programs for the training of noncertified applicators. However, these State programs shall be approved by EPA before they can be used to fulfill the general training requirements for noncertified applicators outlined at § 171.35. The State noncertified applicator training programs submitted to EPA for approval shall address the following areas:

(1) State and federal laws and regulations.

(2) How to read and interpret a pesticide label.

(3) Handling of emergencies and spills.

(i) Signs and symptoms of common types of pesticide poisoning.

(ii) Emergency practical treatment for pesticide injuries.

(iii) How to obtain emergency medical care.

(iv) Decontamination procedures.

(4) Proper methods of storing, mixing/loading, transporting, handling, applying and disposing of pesticides.

(5) Safety and health including proper use of personal protective equipment.

(i) Hazards of pesticides from toxicity or exposure, including acute and delayed reaction.

(ii) Routes of exposure.

(6) Potential adverse effects caused by various climatic or environmental conditions, e.g. drift, pesticide run off, or groundwater contamination.

(b) The training may be provided by the State or outside organizations. If the training is provided by outside organizations the State shall indicate how the adequacy of the training will be assured. At a minimum the State shall review and approve in advance the training program of the outside organization. In addition, the State shall assure the continuing adequacy of the outside organization training through course monitoring, reevaluation of training program, examination of those trained or other appropriate means. The State shall also issue the trained applicator credentials or documents verifying training. These credentials or documents shall indicate an expiration date. This expiration date cannot exceed 5 years from the time training was provided.

§ 171.50 Submission and approval of State plans for commercial and private applicators.

If any State desires to certify applicators of restricted use pesticides, the Governor of that State shall submit a State plan to the Administrator for that purpose. The Administrator shall approve the plan submitted by any State, or any modification thereof, if the plan in his or her judgement:

(a) Designates a State agency as the agency responsible for administering the plan throughout the State. Since several other agencies or organizations may also be involved in administering portions of the State plan, all of these agencies or organizations shall be identified in the State plan, particularly any other agencies or organizations responsible for certifying applicators and suspending or revoking certification. In the event that more than one governmental agency will be responsible for performing certain functions under the State plans, the plans shall identify which functions are to be performed by which agency and indicate how the program will be coordinated by the lead agency to ensure consistency of programs within the State. The lead agency will serve as the central contact point for EPA in carrying out the certification program. The numbers and job titles of the responsible officials of the lead agency and cooperating units shall be included.

(b) Contains satisfactory assurances that such lead agency has or will have the legal authority and qualified personnel necessary to carry out the plan:

(1) Satisfactory assurances that the lead agency or other cooperating agencies have the legal authority necessary to carry out the plans shall be in the form of an opinion of the Attorney General or the legal counsel of the lead agency. In addition:

(i) The lead agency shall submit a copy of each appropriate State law and regulation.

(ii) In those States where any requisite legal authorities are pending enactment and/or promulgation, the Governor (or Chief Executive) may request that a State plan be approved contingent upon the enactment and/or promulgation of such authorities. Plans approved on a contingency basis will be subject to such reasonable terms and conditions, concerning the duration of the contingency approval and other matters, as the Administrator may impose. During the period of the contingency approval, the State will have an approved certification program and may proceed to certify applicators, who will then be permitted to use or supervise the use of pesticides classified for restricted use under the Act.

(iii) The State plan should indicate by citations to specific laws (whether enacted or pending enactment) and/or regulations (whether promulgated or pending promulgation) that the State has legal authorities as follows:

(A) Provisions for and listing of the acts which constitute grounds for denying, suspending, and revoking certification of applicators, and for assessing criminal and/or civil penalties. Such grounds should include, at a minimum, misuse of a pesticide and falsification of any records required to be maintained by the certified applicator.

(B) Provisions for reviewing an applicator's certification to determine whether suspension or revocation of the certification is appropriate in the event of criminal conviction under section 14(b) of the Act, a final order imposing civil penalty under section 14(a) of the Act, or conclusion of a State enforcement action.

(C) Provisions for right-of-entry by consent or warrant by appropriate State officials at reasonable times for sampling, inspection, and observation purposes.

(D) Provisions making it unlawful for persons other than certified applicators or persons working under their direct supervision to use restricted use pesticides.

(E) Provisions requiring commercial applicators to keep and maintain records of restricted use pesticide application for at least 2 years. Such records will contain at a minimum information on kinds, amounts, uses, dates, and places of restricted use pesticide application.

(*1*) In the case of restricted use pesticide application by a noncertified applicator, such records will contain the name and address of the noncertified applicator. If the noncertified applicator has participated in a State training program for noncertified applicators approved by the Administrator this will be indicated in the record. It is anticipated most States with training programs for noncertified applicators will include an identifying number on the credentials or documents issued to trained noncertified applicators. In this case, the identifying number of the trained noncertified applicator will be recorded by the supervising certified applicator. The certified applicator will also record the expiration date of the noncertified applicator certificate of training. The Administrator will only approve State-administered training programs for noncertified applicators

that require training be provided every 5 years or less. If the noncertified applicator has not participated in a State training program approved by the Administrator, the record shall contain information on how and when the certified commercial applicator observed and instructed the noncertified applicator in the type of application to be performed. This observation and instructions must have occurred within 5 years of the application being performed.

(2) Documentation that the certified commercial applicator observed and instructed noncertified applicators performing a restricted use pesticide application can be done in one of two ways. The record of the individual restricted use pesticide application can contain the required information on the observation and instruction of the noncertified applicators. Or the record of the individual restricted use pesticide application may cite an existing record containing the information on the observation and instruction of the noncertified applicators. It is anticipated that most certified commercial applicators will choose to cite a record containing information on the observation and instruction of noncertified applicators rather than generate this information for each restricted use pesticide application.

(2) Satisfactory assurances that the record of the observation and instruction of the noncertified applicator will consist of an attestation by the certified commercial applicator to the following:

(i) Name and address of the noncertified applicator observed and instructed.

(ii) Date noncertified applicator was observed and instructed.

(iii) That the following subjects as appropriate to the type of application being performed were addressed in the observation and instruction:

(A) State and federal laws and regulations.

(B) How to read and interpret a pesticide label.

(C) Handling of emergencies and spills.

(1) Sign and symptoms of common types of pesticide poisoning.

(2) Emergency practical treatment for pesticide injuries.

(3) How to obtain emergency medical care.

(4) Decontamination procedures.

(D) Proper methods of storing, mixing/loading, transporting, handling, applying and disposing of pesticides.

(E) Safety and health including proper use of personal protective equipment.

(1) Hazards of pesticides from toxicity or exposure, including acute and delayed reaction.

(2) Routes of exposure.

(F) Potential adverse effects caused by various climatic or environmental conditions, e.g. drift, pesticide run off, or groundwater contamination.

(3) Satisfactory assurances that the lead agency and any cooperating organizations have qualified personnel necessary to carry out the plan, this will be demonstrated by including the numbers, job titles, and job functions of persons so employed.

(c) Gives satisfactory assurances that the State will devote adequate funds to the administration of the plan.

(d) Provides that the State agency will make reports to the Administrator in a manner and containing information that the Administrator may from time to time require, including:

(1) An annual report to be submitted by the agency, at a time to be specified by the State, to include the following information:

(i) Total number of applicators, private and commercial, by category, currently certified; and number of applicators, private and commercial, by category, certified during the last reporting period.

(ii) Any changes in private and commercial applicator subcategories.

(iii) A summary of enforcement activities related to use of restricted use pesticides during the last reporting period.

(iv) Any significant proposed changes in required standards of competency.

(v) Proposed changes in plans and procedures for enforcement activities related to use of restricted use pesticides for the next reporting period.

(vi) Any other proposed changes from the State plan that would significantly affect the State certification program.

(2) Other reports as may be required by the Administrator from time to time to meet unexpected needs.

(e) Contains satisfactory assurances that the State standards for the certification of applicators of pesticides conform to those standards prescribed in §§ 171.1 through 171.25. Such assurances should consist of:

(1) A detailed description of the State's plan for certifying applicators and a discussion of any special situation, problems, and needs together with an explanation of how the State intends to handle them. The State plan should include the following elements:

(i) For commercial applicators:

(A) A list and description of categories and subcategories to be used in the State, such categories to be consistent with those defined under § 171.7.

(B) An estimate of the number of commercial applicators by category expected to be certified by the State.

(C) The standards of competency elaborated by the State. These standards shall conform and be at least equal to those prescribed under § 171.27 for the various categories of applicators utilized by the State. The standards shall also cover each of the points listed in the general standards under § 171.20.

(D) For each category and subcategory listed under § 171.7(b), either submission of examinations or a description of the types and contents of examinations (e.g., multiple choice or true-false) and submission of sample examination questions; and a description of any performance testing used to determine competency of applicators.

(E) A description of any special provisions that a State develops to certify an applicator who cannot read and understand English, but can read and understand another language as prescribed under § 171.20(b).

(ii) For private applicators:

(A) A list and description of any categories or subcategories to be used in the State, such categories or subcategories to be consistent with those defined under § 171.5.

(B) An estimate of the number of private applicators expected to be certified by the State.

(C) The standards of competency elaborated by the State. These standards shall conform and be at least equal to those prescribed under § 171.25. The standards shall also cover each of the requirements listed in the general standards under § 171.20.

(D) Types and contents of examinations and/or submission of detailed description of methods other than an examination used to determine competency of private applicators.

(E) A description of any special provisions that a State develops to certify an applicator who cannot read and understand English, but can read and understand another language as prescribed under § 171.20(b).

(2) A provision for issuance by the State of appropriate credentials or documents verifying certification of applicators.

(3) If appropriate, a description of any existing State licensing, certification, or authorization programs for private or commercial applicators may be included. If these programs are determined by the Administrator to meet standards of competency prescribed under §§ 171.1 through

171.25, States may certify applicators so licensed, certified, or authorized without any additional demonstration of competency provided:

(i) The commercial applicators who were licensed, certified, or authorized have demonstrated their competency based on written examinations and, as appropriate, performance testing, conforming to the standards set forth under §§ 171.7 and 171.27.

(ii) The private applicators who were licensed, certified, or authorized have demonstrated their competency by examination or other acceptable equivalent system, conforming to the standards set forth under §§ 171.20 and 171.25.

(4) A description of any cooperative agreements a State has made with any Indian Governing Body to certify or assist in the certification of applicators not subject to State jurisdiction under § 171.65.

(5) A description of any arrangements that a State has made or plans to make relating to reciprocity with other States or jurisdictions for the acceptance of certified applicators from those States or jurisdictions. However, those arrangements should meet these conditions:

(i) The State according reciprocity shall provide for issuance of an appropriate document verifying certification based upon the certifying document issued by the other States or jurisdictions.

(ii) The State according reciprocity shall have enforcement procedures that cover out-of-State applicators determined to be competent and certified within the State or jurisdiction.

(iii) The detailed State or other jurisdiction standards of competency including knowledge of pests in their respective States for each category identified in the reciprocity arrangement should be sufficiently comparable to justify waiving an additional determination of competency by the State granting reciprocity.

(f) In responding to the preceding requirements, a State may describe in its State plan other regulatory activities implemented under State laws or regulations which will contribute to the desired control of the use of restricted use pesticides by certified applicators. Such other regulatory activities, if described, will be considered by the Administrator in evaluating whether or not a State's certified applicator program satisfies the requirements under §§ 171.1 through 171.57.

§ 171.57 Maintenance of State plans.

(a) Any State certification program approved under § 171.50 shall be maintained in accordance with the State plan approved under that section. Accordingly, the State plan should include:

(1) Provisions to assure that certified applicators comply with standards for the use of restricted use pesticides and carry out their responsibility to provide adequate supervision of noncertified applicators.

(2) Provisions to ensure that certified applicators continue to meet the requirements of changing technology and to assure a continuing level of competency and ability to use pesticides safely and properly. Renewal of private and commercial applicator certification shall be required at least every 5 years. Recertification of private and commercial applicators may be accomplished by the taking and passing of a written examination, participation in classroom training, completion of a self-study program, completion of continuing education units, or a combination of the foregoing.

(b) An approved State plan and the certification program carried out under such plan may not be substantially modified without the prior approval of the Administrator. A proposed change may be submitted for approval at any time, but all applicable requirements prescribed by these regulations shall be satisfied for the modification to be eligible for approval by the Administrator. Examples of substantial modifications are changes in the following areas: recertification periods, mechanism to certify or recertify, definition of those requiring certification, direct supervision requirements, reporting requirements, standards of competency, and categories or subcategories.

(c) The State agency may, however, establish categories or subcategories on a temporary basis. The State agency will notify the Administrator within 5 working days after the establishment of a temporary category or subcategory. The State agency will provide a description of the temporary category or subcategory, specific standards of competency, justification for its adoption, and the proposed period of utilization. The State agency should also indicate whether it intends to amend its certification plan and permanently adopt the temporary category or subcategory. Upon review the Administrator may reject the establishment of a temporary category or subcategory, or limit the duration of its utilization. Until notified of a rejection or limitation by the Administrator, the State agency may continue certification in the temporary category or subcategory.

(d) Whenever the Administrator determines that a State is not administering the certification program in accordance with the State plan approved under § 171.50, the Administrator shall so notify the State and provide for a hearing at the request of the State and, if appropriate corrective action is not taken within a reasonable time, not to exceed 90 days, the Administrator shall withdraw approval of the plan.

Subpart D—Federal and Indian Reservation Plans

§ 171.62 Submission and approval of Federal agency certification plans.

(a) The Administrator will approve a Federal agency certification plan submitted by the Federal agency head or designee, which meets the following requirements:

(1) Certification is limited to agency employees and only available in commercial applicator categories.

(2) Certification granted under the Federal agency plan is valid only in performance of official duties.

(3) Renewal of applicator certification is required every 3 years. Recertification is accomplished by the taking and passing of a written examination, participation in classroom training, completion of a self-study program, completion of continuing education units, or a combination of the foregoing.

(4) The Federal agency certification plan shall meet the requirements outlined under §§ 171.1 through 171.57. However, in place of legal authorities, the Federal agency may use administrative controls inherent in the employer-employee relationship especially in regard to denial, suspension, or revocation of certification and recordkeeping requirements.

(5) If the Federal agency uses contractors to apply restricted use pesticides, the certification plan shall contain the following:

(i) Provisions to assure that the contract employee applying the restricted use pesticide or supervising the restricted use pesticide application is certified by the appropriate State authority or under § 171.70.

(ii) Provision for the Federal agency to notify the appropriate State authority or EPA in the event of violation or accident by the contract employee.

(iii) Provision that, if requested, the Federal agency will cooperate with the State or the EPA in enforcement action undertaken against the Federal agency contractor.

(iv) Provision requiring the Federal agency to comply with Executive Order 12088 and to meet substantive State standards for pesticide use. If agreement cannot be reached between the Federal agency and a State on a particular application of this requirement, the Federal agency agrees to submit to arbitration by EPA and comply with the decision.

(b) Employees of Federal agencies without an approved certification plan shall obtain appropriate State certification or certification under § 171.70 to use or to supervise the use of restricted use pesticides. Federal agencies with approved certification plans retain the option of having some or all of their employees certified by the appropriate State authority or under § 171.70. However, State certification or certification under § 171.70 granted a Federal agency employee is only valid in the State of issuance or in States where reciprocal certification agreements are in effect.

§ 171.65 Certification of applicators on Indian Reservations.

This section applies to applicators on Indian Reservations.

(a) On Indian Reservations not subject to State jurisdiction the appropriate Indian Governing Body may choose to utilize the State certification program, with the concurrence of the State, or develop its own plan for certifying private and commercial applicators to use or supervise the use of restricted use pesticides.

(1) If the Indian Governing Body decides to utilize the State certification program, it should enter into a cooperative agreement with the State. This agreement should include matters concerning funding and proper authority for enforcement purposes. Such agreement and any amendments thereto shall be incorporated in the State plan, and forwarded to the Administrator for approval or disapproval.

(2) If the Indian Governing Body decides to develop its own certification plan, it shall be based on either the standards in §§ 171.1 through 171.57 or on State standards for certification which have been accepted by the Administrator. Such a plan shall be submitted through the United States Department of the Interior to the Administrator for approval.

(b) On Indian Reservations where the State has assumed jurisdiction under other Federal laws, anyone using or supervising the use of restricted use pesticides shall be certified under the appropriate State certification plan.

(c) Non-Indians applying restricted use pesticides on Indian Reservations not subject to State jurisdiction shall be certified either under a State certification plan accepted by the Indian Governing Body or under the Indian Reservation certification plan.

(d) Nothing in this section is intended either to confer or deny jurisdiction to the States over Indian Reservations not already conferred or denied under other laws or treaties.

§ 171.70 Federal certification.

(a) *Applicability.* This section applies to persons in any State and on any Indian Reservation where, because there is no approved State or Tribal certification plan in effect, the Administrator implements a plan for the Federal certification of applicators of restricted use pesticides.

(b) *Certification requirement.* In any State or on any Indian Reservation where this section is applicable, any person who uses or supervises the use of any pesticide classified for restricted use shall be certified in accordance with this section. However, a competent person who is not certified may use a restricted use pesticide under the direct supervision of a certified applicator for uses authorized by the certified applicator's certification. Private applicator certification shall authorize only those uses, or the supervision of those uses, described under the definition of *private applicator* under § 171.3. Commercial applicator certification shall authorize only those uses, or the supervision of those uses, described under the definition of *commercial applicator* under § 171.3(a)(9).

(c) *Certification of commercial applicators* — (1) *Categories for commercial applicators.* Categories referred to in this section are the same as those listed in § 171.7. Determination of competency in each category shall conform to the requirements under § 171.32(b).

(2) *Subcategories.* The Administrator may adopt additional categories and subcategories as he or she deems necessary, consonant with the needs of the individual State or Reservation. When additional categories or subcategories are adopted, the Administrator will also develop specific standards of competency for each new category or subcategory.

(3) *Standards for certification.* The standards of competency for certification of commercial applicators under this section are the same as those listed under §§ 171.20 and 171.27.

(4) *Certification procedure.* An individual who desires to be certified or recertified under this paragraph shall complete the Pesticide Applicator Certification Form (EPA Form 8500–17) and submit the form to the appropriate EPA Regional Office. Forms are available from the EPA offices identified under paragraph (g)(1)(i) of this section. To be initially certified as a commercial applicator under this paragraph, an individual shall take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. A general examination will be given, based on the general standards found under § 171.20 and the standards for supervision found under § 171.35. In addition, specific category and subcategory examinations will be given, based on the appropriate category or subcategory standards found under § 171.27 and the applicable Federal plan. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue to each person who has passed a general examination and one or more category or subcategory examinations a commercial applicator certificate covering each category and subcategory in which he or she has qualified. A commercial applicator certificate is valid for a period of 3 years from the date of issuance, unless earlier suspended or revoked by the Administrator and is valid within the State or Indian Reservation named on the certificate.

(5) *Reexamination.* Individuals failing to pass the required certification examination(s) may be reexamined after an elapsed period of 30 days. An individual seeking reexamination need take only the examination(s) which he or she originally failed.

(6) *Renewal of commercial applicator certification.* A certified commercial applicator may qualify for recertification by taking and passing written examinations as specified in paragraph (c)(4) of this section, or by successfully completing any available training program approved for this purpose by the Administrator. Recertification procedures shall be completed by the certified commercial applicator during the 12-month period preceding the expiration date of his or her certification.

(7) *Recordkeeping requirements.* (i) Each certified commercial applicator who applies or supervises the application of a restricted use pesticide is required to record the following information for that application:

(A) Name and address of the applicator and if applied by a certified

applicator include his or her certification number.

(B) Name and address of the person for whom the pesticide was applied.

(C) Location of the pesticide application.

(D) Target pest(s).

(E) Specific crop or commodity, as appropriate, and site, to which the pesticide was applied.

(F) Year, month, day, and time of application.

(G) Trade name and EPA registration number of the pesticide applied.

(H) Total amount of the pesticide applied and the rate per unit treated (active ingredient per unit of the pesticide used).

(I) Type and amount of the pesticide disposed of, method of disposal, date(s) of disposal, and location of the disposal site.

(ii) Each self-employed certified commercial applicator, each firm employing a certified commercial applicator, and each person who contracts with a certified commercial applicator (or his or her employer) to have a restricted use pesticide applied on property owned or operated by another person, shall keep and maintain at their principal place of business true and accurate information outlined in paragraph (c)(7)(i) of this section.

(iii) All records required under this paragraph shall be maintained for a period of at least 2 years from the date of the application of the pesticide and shall be made available, upon request, for inspection and copying by representatives of the EPA.

(d) *Certification of private applicators*—(1) *Categories for private applicators.* Categories referred to in this section are the same as those listed under § 171.5. Determination of competency in each category shall conform to the requirements of § 171.32(a).

(2) *Subcategories.* The Administrator may adopt additional categories and subcategories as he or she deems necessary, consonant with the needs of the individual State or Reservation. When additional categories or subcategories are adopted, the Administrator will also develop specific standards of competency for each new category or subcategory.

(3) *Standards for certification.* The standards of competency for certification of commerical applicators under this section are the same as those listed under §§ 171.20 and 171.25.

(4) *Certification procedures.* An individual who desires to be certified or recertified under this paragraph shall complete the Pesticide Applicator Certification Form (EPA Form 8500–17) and submit the form to the appropriate EPA Regional Office. To be certified or recertified as a private applicator to use restricted use pesticides, an individual shall be determined competent with respect to the use and handling of pesticides. Standards for such determination are the same as those listed in §§ 171.20, 171.25, and 171.35. The Administrator will offer one or more of the following certification options, including at least on option which does not require the applicator to take an examination:

(i) *Approved training course.* The individual may successfully complete an approved training course. Approved training courses may include courses sponsored by EPA, State cooperative extension services, State vocational agricultural courses, or private educational groups. Each training course for certification shall be approved for that purpose by the Administrator and include, at a minimum, coverage of the private applicator standards listed under §§ 171.20, 171.25, and 171.35, and a demonstration that the individual has successfully completed the training course. Subject to the approval of the Administrator, this demonstration may be accomplished by completion of a no pass/no fail written questionnaire or a workbook, receipt of a passing grade in an approved course offered by an educational institution, or any other equivalent procedure.

(ii) *Written examination.* The individual may pass a written examination approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iii) *Self-study program.* The individual may successfully complete a self-study learning program approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iv) *Non-English reader.* The individual may successfully demonstrate his competency to read and understand a non-English label as prescribed under § 171.20(b) via the three methods outlined in paragraphs (d)(4)(i), (d)(4)(ii), and (d)(4)(iii) of this section.

(5) *Issuance of certificates.* The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. Individuals who, for any reason, fail to complete successfully a certification option may attempt to complete the same option or, if available, an alternative option. A private applicator certificate is valid for a period of 4 years from the date of issuance, unless suspended or revoked by the Administrator, and is valid within the State or Indian Reservation named on the certificate.

(6) *Renewal of private applicator certification.* A certified private applicator may qualify for recertification by successfully completing, during the 12–month period preceding the expiration date of his or her certificate, any available certification option approved by the Administrator.

(e) *Recognition of other certificates.* The Administrator may issue a certificate to an individual possessing any other valid Federal, State, or Tribal certificate without further demonstration of competency. The individual shall submit the Pesticide Applicator Certification Form (EPA Form 8500–17) and written evidence of valid certification to the appropriate EPA Regional Office. The Administrator may deny issuance of such certificate if the standards of competency for each category or subcategory identified in the other Federal, State, or Tribal certificate are not sufficiently comparable to justify waiving further demonstration of competency. The Administrator may revoke, suspend, or modify such certificate if the Federal, State, or Tribal certificate upon which it is based is revoked, suspended, or modified. Unless suspended or revoked, a certificate issued under this paragraph is valid for 3 years for commercial applicators and 4 years for private applicators, or until the expiration date of the original Federal, State, or Tribal certificate, whichever occurs first.

(f) *Denial, suspension, modification, or revocation of a certificate.* (1) The Administrator may suspend all or part of a certificate issued pursuant to this section, or, after opportunity for a hearing, may deny issuance of, or revoke or modify, a certificate issued pursuant to this section, if he or she finds that the applicant or certificate holder has been convicted under section 14(b) of the Act, has been subject to a final order imposing a civil penalty under section 14(a) of the Act, or has committed any of the following acts:

(i) Used any registered pesticide in a manner inconsistent with its labeling.

(ii) Made available for use, or used, any registered pesticide classified for restricted use other than in accordance with section 3(d) of the Act and any regulations promulgated thereunder.

(iii) Refused to keep and maintain any records required pursuant to this section.

(iv) Made false or fraudulent records, invoices, or reports.

(v) Failed to comply with any limitations or restrictions on or in a duly issued certificate.

(vi) Violated any provision of the Act and the regulations promulgated thereunder.

(2) If the Administrator decides to deny, revoke, or modify a certificate, he or she will:

(i) Notify the applicant or certificate holder of:

(A) The ground(s) upon which the denial, revocation, or modification is based.

(B) The time period during which the denial, revocation, or modification is effective, whether permanent or otherwise.

(C) The conditions, if any, under which the individual may become certified or recertified.

(D) Any additional conditions the Administrator determines necessary to ensure health and safety of affected individuals or protection of the environment.

(ii) Provide the applicant or certificate holder an opportunity to request a hearing prior to final Agency action to deny, revoke, or modify the certificate.

(3) If a hearing is requested by an applicant or certificate holder pursuant to paragraph (f)(2)(ii) of this section.

(i) Notify the affected applicant or certificate holder of those assertions of law and fact upon which the action to deny, revoke, or modify the certificate is based.

(ii) Provide the affected applicant or certificate holder an opportunity to offer written statements of facts, explanations, comments, and arguments relevant to the proposed action.

(iii) Provide the affected applicant or certificate holder such other procedural opportunities as the Administrator may deem appropriate to ensure a fair and impartial hearing.

(iv) Appoint an attorney in the Agency as Presiding Officer to conduct the hearing. No person shall serve as Presiding Officer if he or she has had any prior connection with the specific case.

(4) The Presiding Officer appointed pursuant to paragraph (f)(3)(iv) of this section shall:

(i) Conduct a fair, orderly, and impartial hearing, without unnecessary delay.

(ii) Consider all relevant evidence, explanation, comment, and argument submitted pursuant to paragraphs (f)(3)(ii) and (iii) of this section.

(iii) Promptly notify the affected applicant or certificate holder of his or her decision and order. Such an order is a final Agency action subject to judicial review in accordance with section 16 of the Act.

(5) If the Administrator decides to suspend all or part of a certificate, he or she will:

(i) First determine that the public health, interest, or welfare warrants immediate action to suspend the certificate.

(ii) Notify the certificate holder of the ground(s) upon which the suspension action is based.

(iii) Notify the certificate holder of the time period during which the suspension is effective.

(iv) Notify the certificate holder of his or her intent to revoke or modify the certificate, as appropriate, in accord with paragraph (f)(2) of this section. If such revocation or modification notice has not previously been issued, it will be issued at the same time the suspension notice is issued.

(6) In cases where the act constituting grounds for suspension, revocation, or modification of a certificate is neither willful nor contrary to the public interest, health, or safety, the affected certificate holder may have additional procedural rights under 5 U.S.C. 558(c).

(7) Any notice, decision, or order issued by the Administrator under paragraph (f) of this section, and any documents filed by an applicant or certificate holder in a hearing under paragraph (f) of this section, shall be available to the public except as otherwise provided by section 10 of the Act or by part 2 of this title. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidentiality under section 10 of the Act or under part 2 of this title.

(g) *Pesticide dealer reporting and recordkeeping requirements, availability of records, and failure to comply*—(1) *Reporting requirements.* Each person who is a restricted use pesticide retail dealer in a State or on an Indian Reservation where the Administrator conducts the applicator certification and training program shall:

(i) Report to EPA the business name by which the restricted use pesticide retail dealer operates, and the name and business address of each of his or her dealerships. For dealers or dealerships in Nebraska this initial report shall be submitted to EPA, Region VII, 726 Minnesota Avenue, Kansas City, KS 66101. For dealers or dealerships in Colorado this initial report shall be submitted to EPA, Region VIII, 999 18th St., Suite 500, Denver, CO 80202-2405. This report shall be submitted to the appropriate EPA Regional Office no later than 60 days after the date the person first becomes a restricted use pesticide retail dealer.

(ii) Submit revisions to the initial report to the appropriate EPA Regional Office listed in paragraph (g)(1)(i) of this section reflecting any name changes, additions, or deletions of dealerships. Revisions shall be submitted to EPA within 30 days of the occurrence of such change, addition, or deletion.

(2) *Recordkeeping requirement.* Recordkeeping is required when making restricted use pesticides available to:

(i) Certified applicators. Each restricted use pesticide retail dealer shall maintain at each individual dealership records of each transaction where a restricted use pesticide is made available for use by that dealership to a certified applicator. Record of each such transaction shall be maintained for a period of 24 months after the date of the transaction, and shall include the following information:

(A) Name and address of the residence or principal place of business of each person to whom the pesticide was made available for use.

(B) The certification number on the document evidencing that person's certification, the Federal or State agency that issued the document, the expiration date of the certification, and the categories in which the applicator is certified, if appropriate.

(C) The product name, EPA registration number, and, if appropriate, the State special local need registration number, granted under section 24(c) of the Act on the label of the pesticide.

(D) The quantity of the pesticide made available for use in the transaction.

(E) The date of the transaction.

(ii) Noncertified persons. No dealer or dealership may make a restricted use pesticide available to a noncertified person unless he or she can document that the restricted use pesticide will be used by a certified applicator, and he or she maintains the records required under this paragraph. Each restricted use pesticide retail dealer shall maintain records at each individual dealership of each transaction where a restricted use pesticide was made available to an noncertified person for use by a certified applicator. Records of each such transaction shall be maintained for a period of 24 months after the date of the transaction, and shall include the following information:

(A) The name and address of the residence or principal place of business of the noncertified person to whom the restricted use pesticide is made

available for use by a certified applicator.

(B) The name and address of the residence or principal place of business of the certified applicator who will use the restricted use pesticide.

(C) The certified applicator's certification number, the Federal or State agency that issued his or her certification document, the expiration date of the certification, and the categories in which the applicator is certified, if appropriate.

(D) The product name, EPA registration number, and the State special local need registration number, granted under section 24(c) of the Act (if any) on the label of the pesticide.

(E) The quantity of the pesticide made available for use in the transaction.

(F) The date of the transaction.

(iii) At the time of each transaction, EPA recommends that the dealer obtain the information required in paragraph (g)(2)(ii)(A) through (C) of this section and assures himself or herself that the restricted use pesticide is made available for use by a certified applicator by examining one of the following sets of documents:

(A) The original of the certified applicator's certification document, and a driver's license or other State, county, or Tribal identification document issued to the noncertified person to whom the restricted use pesticide is made available.

(B) A photocopy or facsimile of the certified applicator's certification document, together with a statement signed by the certified applicator authorizing the noncertified person to purchase the restricted use pesticide on his or her behalf, and a driver's license or other State, county, or Tribal identification document issued to the noncertified person to whom the restricted use pesticide is made available.

(C) A photocopy or facsimile of the certified applicator's certification document, together with a copy of a signed contract or agreement, between the noncertified person to whom the restricted use pesticide is being made available for use and the identified certified applicator, which provides for the use of the restricted use pesticide by the identified certified applicator, and a driver's license or other State, county, or Tribal identification document issued to the noncertified person to whom the restricted use pesticide is made available.

(3) *Availability of required records.* Each pesticide dealer shall, upon request of any officer or employee of EPA duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all records required to be maintained under this section.

(4) *Failure to comply.* Any person who fails to comply with the provisions of this part may be subject to civil or criminal sanctions, under section 14 of the Act, or 18 U.S.C. 1001. Violations include failure to submit or falsification of any report required under this paragraph, failure to maintain or falsification of records as required under this section, and making available for use any pesticide classified for restricted use to a person who is not a certified commercial applicator other than in accordance with this section and section 3(d) of the Act or rules promulgated thereunder.

Subpart E—Transition Procedures

§ 171.78 Transition from existing certification programs to programs that meet the requirements of this part.

Existing certification programs, which meet the requirements of this part as of [insert effective date of the final rule] will remain in effect until a revised certification plan or the current existing plan is reviewed by the Administrator and found to meet the requirements of this part. Since the time required to revise existing certification plans will vary among States and Federal agencies, a schedule for development and submission of revised certification plans will be developed. EPA will develop this schedule in coordination with the affected States and Federal agencies. In the development of the schedule, EPA will take into account such factors as, new or revised regulations required, procedures to promulgate regulations, legislative action required, and schedule of legislative sessions. By [insert date 6 months after the effective date of publication of the final rule in the **Federal Register**], EPA will issue a schedule for the submission of revised certification plans by the individual States and Federal agencies for approval under this part. When a State or Federal agency schedules submission of their plan later than [insert date 1 year after the effective date of publication of the final rule in the **Federal Register**], a justification will be provided in the published schedule. In those States where EPA administers certification programs a revised certification program will be available for public comment [insert date 6 months after the effective date of publication of the final rule in the **Federal Register**].

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Wednesday
November 7, 1990

Part III

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 310

Status of Certain Over-the-Counter Drug Category II and III Active Ingredients; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 89N-0525]

RIN 0905-AA06

Status of Certain Over-the-Counter Drug Category II and III Active Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule establishing that certain active ingredients in over-the-counter (OTC) drug products are not generally recognized as safe and effective or are misbranded. FDA is issuing this final rule after considering the reports and recommendations of various OTC advisory review panels and public comments on the agency's notices of proposed rulemaking. Based on the absence of substantive comments in opposition to the agency's proposed nonmonograph status for these ingredients as well as the failure of interested parties to submit new data or information to FDA pursuant to 21 CFR 330.10(a)(7)(iii), the agency is issuing this final rule to remove from the OTC market these ingredients for the uses specified in this rule. This final rule is part of the ongoing review of OTC drug products conducted by FDA.

EFFECTIVE DATE: May 7, 1991.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In various issues of the **Federal Register**, FDA has published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), advance notices of proposed rulemaking to establish monographs for specific classes of OTC drug products, together with the recommendations of the OTC advisory review panels, which were responsible for evaluating data on the active ingredients in the specific drug class(es) in each proposed monograph. Following publication of each proposed monograph, interested parties were invited to submit comments within a set time period, with an additional period of time allowed for reply comments in response to comments filed in the initial comment period.

After evaluation and consideration of the OTC advisory review panels' recommendations and the comments and reply comments received in response to the initial publication of the advance notices of proposed rulemaking, the agency's proposed regulations in the form of various tentative final monographs for specific classes of OTC drug products were published in the **Federal Register**. Interested persons were invited to file comments, objections, and/or requests for an oral hearing before the Commissioner of Food and Drugs regarding the specific proposals within a set time period. A period of 12 months was provided for the submission of new data and information regarding each specific proposed rulemaking, and 2 additional months were provided for comments on the new data to be submitted.

In the **Federal Register** of May 16, 1990 (55 FR 20434), FDA published, under § 330.10(a)(7)(ii) (21 CFR 330.10(a)(7)(ii)), a proposed rulemaking encompassing all Category II and Category III active ingredients for which the periods for submission of comments and new data following the publication of a notice of proposed rulemaking had closed and for which no significant comments or new data to upgrade the status of these ingredients had been submitted. In each instance, a final rule for the class of ingredients involved had not been published to date. Since that time, final rules for two of the OTC drug rulemakings included in the proposal, corn and callus remover drug products and wart remover drug products, have been published (August 14, 1990; 55 FR 33258 and 55 FR 33246, respectively). Accordingly, the active ingredients from those rulemakings that were included in the proposal are not included in this final rule.

The OTC drug review administrative procedures provide in § 330.10(a)(7)(ii) that the Commissioner may publish a separate tentative order proposing that active ingredients be excluded from an OTC drug monograph on the basis of the Commissioner's determination that they would result in a drug product not being generally recognized as safe and effective or would result in misbranding. This order may include active ingredients for which no substantial comments in opposition to the advisory panel's proposed classification and no new data and information were received pursuant to § 330.10(a)(6)(iv) (21 CFR 330.10(a)(6)(iv)). Section 330.10(a)(7)(ii) authorizes the publication of a separate tentative order immediately following the close of the comment and new data periods for an advance notice of proposed rulemaking. However, in the case of the ingredients included in the proposal, the Commissioner waited until after proposed rulemakings were published and the periods for submission of comments and new data had ended. This additional period allowed the fullest possible opportunity for public comment and receipt of new data to upgrade the status of these ingredients.

As mentioned, no substantive comments or new data were submitted to support reclassification of any of these active ingredients to monograph status. Therefore, before a final rule on each respective drug category is published, the Commissioner has determined that these ingredients are not generally recognized as safe and effective and that any OTC drug product containing any of these active ingredients not be allowed to continue to be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application. FDA has elected to act on these ingredients in advance of finalization of other monograph conditions in order to expedite completion of the OTC drug review. Table I below lists the title, docket number, and active ingredients of the specific rulemakings that are addressed in this final rule.

FDA advises that the active ingredients listed in this final rule will not be included in the relevant final monographs because they have not been shown to be generally recognized as safe and effective for their intended use. The agency is amending 21 CFR part 310 to list all of the active ingredients covered by this final rule by adding to subpart E new § 310.545 (21 CFR 310.545). The agency further advises that these active ingredients should be eliminated from OTC drug products by May 7, 1991, regardless of whether further testing is undertaken to justify future use, and regardless of whether the relevant OTC drug monographs have been finalized at that time. Therefore, on or after May 7, 1991, no OTC drug product containing any ingredient listed in § 310.545 either labeled or intended as an active ingredient for the uses specified in that section may be initially introduced or initially delivered for introduction into interstate commerce unless it is the subject of an approved application. Further, any OTC drug product containing an ingredient subject to this final rule that is repackaged or relabeled after the effective date of this final rule must be in compliance with the final rule regardless of the date the product was initially introduced or

initially delivered for introduction into interstate commerce. Manufacturers are urged to comply voluntarily with this final rule at the earliest possible date.

The agency points out that publication of this final rule does not preclude a manufacturer's testing an ingredient. New, relevant data can be submitted to the agency at a later date as the subject of an application that may provide for prescription or OTC marketing status. (See 21 CFR part 314.) As an alternative, where there are adequate data establishing general recognition of safety and effectiveness, such data may be submitted in an appropriate citizen petition to amend or establish a monograph, as appropriate. (See 21 CFR 10.30.) However, marketing of products containing these active ingredients may not continue while the data are being evaluated by the agency.

In response to the proposed rule on certain OTC Category II and III ingredients, 12 drug manufacturers, 1 trade association, and 1 physician submitted comments. Copies of the comments received are on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Any additional information that has come to the agency's attention since publication of the proposed rule is also on public display in the Dockets Management Branch.

I. The Agency's Conclusions on the Comments

1. One comment requested clarification of the status of allantoin which was listed as a Category III skin protectant in the May 16, 1990 proposal (55 FR 20434 at 20437).

A correction notice clarifying that allantoin is Category I as a skin protectant and is Category III for wound healing claims was published in the Federal Register on June 7, 1990 (55 FR 23234).

2. One comment requested that lobeline be added to the list of Category II and III smoking deterrent ingredients in the May 16, 1990 proposal. The comment felt that lobeline should be removed from the market due to a lack of proof of its effectiveness as a smoking deterrent.

Although lobeline is in Category III as an OTC smoking deterrent due to a lack of evidence of effectiveness (50 FR 27552 at 27555), substantial comment has been received by the agency on this ingredient. Evidence regarding its effectiveness is currently under review as part of the OTC smoking deterrent rulemaking (Docket No. 81N-0027). Lobeline was not included in the May 16, 1990 proposal because that notice was limited to those Category II and III ingredients for which no substantive comment had been received by the agency.

3. One comment mentioned its submission of July 24, 1987 to the proposed rulemaking on OTC dandruff, seborrheic dermatitis, and psoriasis drug products (Docket No. 82N-0214) regarding the use of menthol as a Category I antipruritic active ingredient in combination with coal tar, a Category I antidandruff active ingredient. The comment requested that the May 16, 1990 proposal be revised to exclude menthol because of the pending data submission. Alternatively, the comment requested that the rulemaking remain as written for menthol used exclusively in the treatment of dandruff and exclude menthol used as an antipruritic in combination with coal tar.

The inclusion of menthol as a Category III antidandruff ingredient in the May 16, 1990 proposal was not intended to apply to the use of menthol as an antipruritic in combination with coal tar. A footnote has been included in the table in this final rule clarifying that it does not apply to the use of menthol as an antipruritic when used in combination with the Category I antidandruff ingredient coal tar.

4. One comment requested that sulfur and ichthammol be deleted from the list of boil treatment drug product ingredients included in the May 16, 1990 proposal. The comment pointed out that on January 26, 1989, a substantive comment, including data and scientific references supporting the use of sulfur and ichthammol as active ingredients in the treatment of boils, was submitted to the proposed rulemaking on OTC boil treatment drug products (Docket No. 82N-0054).

The agency acknowledges this oversight. Sulfur and ichthammol had been classified in Category II in the advance notice of proposed rulemaking for OTC boil ointment drug products (47 FR 28306 at 28307 and 28308), but were classified in Category III in the tentative final monograph (53 FR 2198 at 2204). These ingredients have been deleted from the list of boil treatment ingredients included in this final rule.

5. One comment requested clarification of the agency's inclusion of povidone-iodine in the May 16, 1990 proposal. Specifically, the comment requested acknowledgement that povidone-iodine was not granted monograph status in the rulemaking proceedings for OTC dandruff, seborrheic dermatitis, and psoriasis drug products (Docket No. 82N-0214) and acne drug products (Docket No. 81N-0114) only because the manufacturers of povidone-iodine failed to submit data and/or comments on efficacy for such uses. The comment asserted a lack of commercial interest in developing such data, not evidence that povidone-iodine would be unsafe or ineffective for such uses.

Another comment requested clarification of the agency's inclusion of chloroxylenol in the May 16, 1990 proposal. Specifically, the comment requested acknowledgement that chloroxylenol was not granted monograph status in the rulemaking proceedings for OTC acne drug products (Docket No. 81N-0114) and OTC ingrown toenail drug products (Docket No. 80N-0348) because the manufacturers of chloroxylenol did not submit data and/or comments on safety and efficacy. The comment asserted that data were not submitted because of a lack of commercial interest, not because evidence suggested that chloroxylenol would be unsafe or ineffective for such uses.

The agency notes that no substantive comments or data on the effectiveness of povidone-iodine or chloroxylenol were submitted to the specific rulemakings listed by the comments. Accordingly, povidone-iodine and chloroxylenol are included in this final rule.

The agency is unable to state why manufacturers elected not to submit data on these ingredients for these uses. However, nonmonograph status for the indications included in this final rule has no bearing on the ingredients' inclusion in other OTC drug monographs covering other uses. As the comments noted, data on the ingredients' effectiveness for other uses may be submitted in the future in the form of a petition to amend the appropriate final monograph.

6. One comment requested clarification of the statement in the May 16, 1990 proposal that "FDA has determined that the presence of these ingredients in an OTC drug product would result in that drug product not being generally recognized as safe and effective or would result in misbranding," (55 FR 20434). The comment contended that this statement applies only to the use of nonmonograph ingredients as active ingredients. The comment stated that certain nonmonograph ingredients may be used as inactive ingredients and mentioned the use of sorbitol as a sweetening or flavoring agent in oral health care products. The comment asserted that the mere presence of a nonmonograph ingredient when used as an inactive

ingredient should not result in a misbranded product.

This final rule affects only the use of the listed ingredients as active ingredients for the specific indications listed. The agency has reviewed all of the ingredients covered by this final rule and recognizes that some of the ingredients have valid uses as inactive ingredients. Examples include: (1) Sorbitol, sugars, eucalyptol, and peppermint oil for sweetening, flavor, and aroma and (2) petrolatum and lanolin as ointment bases. Other ingredients listed below may also have valid uses as pharmaceutical necessities. This final rule does not affect such uses. However, any inactive ingredient present in the product should have an appropriate purpose and be safe and suitable for use in the product in accord with 21 CFR 330.1(e).

7. Three comments requested that the agency delay its proposed action regarding certain ingredients in OTC digestive aid drug products under this rulemaking. These comments stated that a major foreign manufacturer of a digestive aid drug product containing the enzymes pancreatin, papain, bromelain, trypsin, lipase, amylase, chymotrypsin, and rutoside intends to petition the agency in the near future to reopen the administrative record for OTC digestive aid drug products (Docket No. 81N-0106). The comment contended that this substantial commitment on the part of a foreign manufacturer to comply with FDA's requirements should not be obstructed by "house cleaning" efforts like the May 16, 1990 proposal, and this manufacturer will provide relevant information on these products.

Another comment requested that the ingredient acetic acid be deleted from the list of active ingredients in topical otic drug products (Docket No. 77N-334S) covered by this final rule. The comment included a citizen petition to reopen the administrative record for topical otic drug products to accept data regarding the safety and effectiveness of acetic acid for the prevention of swimmer's ear.

Another comment requested that the agency delete calcium carbonate from the list of antidiarrheal drug ingredients affected by this rulemaking to allow additional time to assemble evidence of its effectiveness.

The agency clearly stated in the May 16, 1990 proposal that "This proposal does not constitute a reopening of the administrative record or an opportunity to submit new data to any of the specific rulemakings," (55 FR 20434). In addition, § 330.10(a)(7)(v) (21 CFR 330.10(a)(7)(v)) of the regulations governing the OTC drug review states that new data and information submitted after the closing of the administrative record for a tentative final rule " * * * but prior to the establishment of a final monograph will be considered as a petition to amend the monograph and will be considered by the Commissioner only after a final monograph has been published in the **Federal Register** unless the Commissioner finds that good cause has been shown that warrants earlier consideration."

None of the comments offered good cause why the requested ingredients should not be included in this final rule. Of the eight enzymes contained in the digestive aid drug product mentioned by the first three comments, only two, pancreatin and papain, are included in this final rule. There have been no data submissions to date on these ingredients. Of the remaining six enzymes, only two, amylase and lipase, are still under consideration in the OTC digestive aids rulemaking. No data have been submitted to the OTC drug review on the remaining four enzymes—bromelain, trypsin, chymotrypsin, and rutoside; thus, these ingredients are not currently under consideration in the OTC digestive aids rulemaking. Further, the specific drug product containing these eight enzymes is not currently marketed in the United States.

The comment and accompanying petition regarding acetic acid likewise fails to offer either any explanation as to why the data contained in the petition were not submitted prior to the closing of the administrative record or any good cause for reopening the administrative record for OTC topical otic drug products (Docket No. 77N-334S). The petition included published reports of clinical trials and other information to support the safety and effectiveness of acetic acid for the prevention of swimmer's ear.

The agency has reviewed the existing administrative record of the rulemaking for OTC topical otic drug products for the prevention of swimmer's ear and determined that some of the data submitted by the comment have already been considered in that rulemaking and were found to be inadequate to support monograph status. The additional information provided is also insufficient to support monograph status. Finally, as noted above, the rulemaking covered by this final rule is not the proper forum to submit additional data to support safety and effectiveness of any specific ingredient. Therefore, the request to suspend or delay that portion of this final rule as relates to acetic acid for the prevention of swimmer's ear is denied.

The comment regarding calcium carbonate did not contain any statement as to why the firm failed to submit data on this ingredient during the 15 years since the publication of the advance notice of proposed rulemaking on OTC antidiarrheal drug products on March 21, 1975 (Docket No. 78N-036D). The agency has examined the administrative record for this rulemaking and finds no record of any previous comments or data submissions on calcium carbonate. Accordingly, the request to delete calcium carbonate for antidiarrheal use from this final rule is denied.

While the agency may consider the data offered by the comments, such data must be submitted in the form of a petition to amend the appropriate final monograph in accordance with § 10.30 (21 CFR 10.30) and must be addressed to the rulemaking for the appropriate drug category.

8. Two comments requested that a February 7, 1983 petition to reopen the administrative record on OTC skin protectant drug products (Docket No. 78N-0021, Comment No. C00029) also be regarded as a substantive comment to the OTC dandruff, seborrheic dermatitis, and psoriasis rulemaking (Docket No. 82N-0214). The comments stated that the manufacturer that submitted the February 7, 1983 petition assumed (erroneously) that its petition would automatically be entered into all appropriate dockets and therefore did not enter the appropriate docket numbers at the heading of the petition. The comments further pointed out that the Advisory Review Panel on OTC Miscellaneous External Drug Products considered colloidal oatmeal only for a dandruff claim and not for relief of itching due to psoriasis, even though such itching claims were made on colloidal oatmeal products. The comments added that the 1983 petition specifically included label claims for relief of "itchy, sore, sensitive skin due to * * * eczemal psoriasis." The comments, therefore, requested that the February 7, 1983 petition to the rulemaking for OTC skin protectant drug products (Docket No. 78N-0021, Comment No. C00029) also be regarded as a substantive comment to the rulemaking for OTC dandruff, seborrheic dermatitis, and psoriasis drug products (Docket No. 82N-0214), that colloidal oatmeal continue to be evaluated as part of that rulemaking, and that colloidal oatmeal be deleted from the list of OTC dandruff, seborrheic dermatitis, and psoriasis ingredients affected by this final rule.

While the comments correctly point out that the heading of the petition fails

to list any docket number(s), there is no indication that the petition was ever intended to address any rulemaking other than the one for OTC skin protectant drug products. The petition clearly identifies a docket and rulemaking in its first paragraph, where it states that this petition is "* * * to request the Commissioner of Food and Drugs ("Commissioner") to reopen the administrative record on Skin Protectant Drug Products for Over-the-Counter Human Use to allow for the consideration of colloidal oatmeal as generally recognized as a safe and effective skin protectant. Proposed 21 CFR 347, Docket 78N-0021, 43 FR 34628, *et seq.* (August 4, 1978)."

No request is made anywhere in the petition for consideration under any other rulemaking. In addition, if this petition was also intended as a comment to the rulemaking for OTC dandruff, seborrheic dermatitis, and psoriasis drug products, it could have been included as a comment in the administrative record for that rulemaking until May 4, 1983 when the record closed. Also, it could have been included during the 12 months that the administrative record was open following publication of the tentative final monograph for OTC dandruff, seborrheic dermatitis, and psoriasis drug products on July 30, 1986 (51 FR 27346).

The agency further notes that the comment in question deals solely with the use of colloidal oatmeal for the temporary relief of itching from a wide variety of skin conditions and contains no data on the use of colloidal oatmeal when used alone in the treatment of psoriasis. As indicated in the discussion of the use of hydrocortisone for the relief of itching in comment 13 of the tentative final monograph for OTC dandruff, seborrheic dermatitis, and sporiasis drug products (51 FR 27346 at 27351), claims for temporary symptomatic relief of itching are not appropriate for inclusion under that monograph. Therefore, the comments' request to delete colloidal oatmeal from the list of OTC dandruff, seborrheic dermatitis, and psoriasis ingredients included in this final rule is denied. New data on the safety and effectiveness of colloidal oatmeal in the relief of itching from a variety of causes and conditions including psoriasis may be submitted in the future in the form of a petition to amend the external analgesic, skin protectant, or other appropriate monographs.

9. One comment submitted a paper entitled "Virucidal and Bactericidal Effects of Ascorbic Acid" (Ref. 1), which included a bibliography with 30 references. The comment noted the Category II status of ascorbic acid as a corn and callus remover and its Category III status as a wart remover. The comment contended that the virucidal and bactericidal effects of ascorbic acid may be useful in topical applications, particularly in wart remover products.

As noted above, final rules for OTC corn and callus remover drug products and OTC wart remover drug products were published on August 14, 1990. Ascorbic acid was not included in either final monograph. Any data supporting the use of ascorbic acid in either of these types of products needs to be submitted in the form of a petition to amend a final monograph in accord with 21 CFR 330.10(a)(12).

The report submitted by the comment examines the effects of exposing viruses and bacteria to ascorbic acid. It does not contain any clinical data in which a product containing ascorbic acid was used as a corn and callus remover or a wart remover. The agency concludes that this report is inadequate to support monograph status for ascorbic acid for either of these uses.

Reference

(1) Comment No. 12, Docket No. 89N-0525, Dockets Management Branch.

II. Summary of Significant Changes From the Proposed Rule

1. A statement has been added clarifying that menthol, when used as an antipruritic in combination with the antidandruff ingredient coal tar, is not covered by this final rule (see comment 3 above).

2. Sulfur and ichthammol have been deleted from the list of boil treatment drug product active ingredients covered by this final rule (see comment 4 above.)

3. In reexamining the administrative record of the rulemaking for OTC topical otic drug products (Docket No. 77N-334S), a substantive comment regarding anhydrous glycerin was inadvertently overlooked (Comment No. RPT-002). Therefore, anhydrous glycerin has been deleted from the list of topical otic drug product active ingredients affected by this final rule.

4. The term "active" has been included in the hearing of table I to clarify that this final rule pertains to use of the listed ingredients as active ingredients in the applicable OTC drug rulemakings.

5. New § 310.545 (21 CFR 310.545) has been included to list all of the active ingredients covered by this final rule.

III. The Agency's Final Conclusions on Certain OTC Drug Category II and III Active Ingredients

The agency has determined that no substantive comments or additional data have been submitted to the OTC drug review to support any of the ingredients listed below as being generally recognized as safe and effective for the OTC drug uses specified in the table (Table I). Based on the agency's procedural regulations (21 CFR 330.10(a)(7)(ii)), the agency has determined that these ingredients are not generally recognized as safe and effective and are misbranded when present in the following specific OTC drug products:

TABLE 1.—OTC DRUG RULEMAKINGS AND ACTIVE INGREDIENTS COVERED BY THIS NOTICE

Rulemaking
(1) Topical Acne Drug Products (Docket No. 81N-0114):
Alcloxa
Alkyl isoquinolinium bromide
Aluminum chlorohydrex
Aluminum hydroxide
Benzocaine
Benzoic acid
Boric acid
Calcium polysulfide
Calcium thiosulfate
Camphor
Chlorhydroxyquinoline
Chloroxylenol
Coal tar
Dibenzothiophene
Estrone
Magnesium aluminum silicate
Magnesium sulfate
Phenol
Phenolate sodium
Phenyl salicylate
Povidone iodine
Pyrilamine maleate
Resorcinol (as single ingredient)
Resorcinol monoacetate (as single ingredient)
Salicylic acid (over 2 up to 5 percent)
Sodium borate
Sodium thiosulfate
Tetracaine hydrochloride
Thymol
Vitamin E
Zinc oxide
Zinc stearate
Zinc sulfide
(2) Anticaries drug products (Docket No. 80N-0042):
Acidulated sodium phosphate
Hydrogen fluoride
Sodium carbonate

TABLE 1.—OTC DRUG RULEMAKINGS AND ACTIVE INGREDIENTS COVERED BY THIS NOTICE—Continued

Rulemaking
Sodium monofluorophosphate (6 percent rinse)
Sodium phosphate
(3) Antidiarrheal drug products (Docket No. 78N-0036D):
Aluminum hydroxide
Atropine sulfate
Calcium carbonate
Carboxymethylcellulose
Glycine
Homatropine methylbromide
Hyoscyamine sulfate
Lactobacillus acidophilus
Lactobacillus bulgaricus
Opium, powdered
Opium tincture
Paregoric
Phenyl salicylate
Scopolamine hydrobromide
Zinc phenolsulfonate
(4) Antiperspirant drug products (Docket No. 78N-0064):
Alum, potassium
Aluminum bromohydrate
Aluminum chloride (alcoholic solutions)
Aluminum chloride (aqueous solution) (aerosol only)
Aluminum sulfate
Aluminum sulfate, buffered (aerosol only)
Sodium aluminum chlorohydroxy lactate
(5) Boil treatment drug products (Docket No. 82N-0054):
Aminacrine hydrochloride
Bismuth subnitrate
Calomel
Camphor
Cholesterol
Ergot fluidextract
Hexachlorophene
Isobutamben
Juniper tar
Lanolin
Magnesium sulfate
Menthol
Methyl salicylate
Oxyquinoline sulfate
Petrolatum
Phenol
Pine tar
Rosin
Rosin cerate
Sassafras oil
Thymol
Zinc oxide
(6) Cold, cough, allergy, bronchodilator, and antiasthmatic drug products:
(A) Antihistamine drug products (Docket No. 76N-052H):
Methapyrilene hydrochloride
Methapyrilene fumarate
Thenyldiamine
(B) Nasal decongestant drug products (Docket No. 76N-052N):
Allyl isothiocyanate
Camphor (lozenge)
Creosote, beechwood (oral)
Eucalyptol (lozenge)
Eucalyptol (mouthwash)
Eucalyptus oil (lozenge)
Eucalyptus oil (mouthwash)
Menthol (mouthwash)
Peppermint oil (mouthwash
Thenyldiamine
Thymol
Thymol (lozenge)
Thymol (mouthwash)
Turpentine oil
(7) Dandruff/seborrheic dermatitis/psoriasis drug products (Docket No. 82N-0214):
Alakyl isoquinolinium
Allantoin
Benzalkonium chloride
Benzethonium chloride
Boric acid
Calcium undecylenate
Captan
Chloroxylenol
Colloidal oatmeal
Cresol, saponated
Ethohexadiol
Eucalyptol
Juniper tar
Lauryl isoquinolinium
Methol [1]
Mercury oleate
Methylbenzethonium
Methyl salicylate
Phenol
Phenolate sodium
Pine tar
Povidone-iodine
Resorcinol
Sodium borate
Sodium salicylate
Thymol
Undecylenic acid
(8) Digestive aid drug products (Docket No. 81N-0106):
Bismuth sodium tartrate
Calcium carbonate
Cellulase
Dehydrocholic acid
Dihydroxyaluminum
Duodenal substance
Garlic, dehydrated
Glutamic acid
Hemicellulase
Homatropine
Magnesium hydroxide
Magnesium trisilicate
Ox bile extract
Pancreatin
Pancrelipase
Papain
Peppermint oil
Pepsin
Sodium bicarbonate
Sodium citrate
Sorbitol
(9) Exocrine pancreatic insufficiency drug products (Docket No. 79N-0379):
Hemicellulase
(10) External analgesic drug products (Docket No. 78N-0301):
(A) Analgesic and anesthetic drug products
Aspirin
Chloral hydrate
Chlorobutanol
Cyclomethycaine sulfate
Eugenol
Hexylresorcinol
Methapyrilene hydrochloride
Salicylamide
Thymol
(B) Counterirritant drug products:
Chloral hydrate
Eucalyptus oil
(C) Male genital desensitizer drug products
Benzyl alcohol
Camphorated metacresol
Ephedrine hydrochloride
(11) Ingrown toenail relief drug products (Docket No. 80N-0348):
Chloroxylenol
Urea
(12) Laxative drug products (Docket No. 78N-036L):
(A) Bulk laxatives
Agar
Carrageenan (degraded)
Carrageenan (native)
Guar gum
(B) Saline laxative
Tartaric acid
(C) Stool softener
Poloxamer 188
(D) Stimulant laxatives
Aloin
Bile salts/acids
Calcium pantothenate
Calomel
Colocynth
Elaterin resin
Frangula
Gamboge
Ipomea
Jalap
Ox bile
Podophyllum resin
Prune concentrate
Prune powder
Rhubarb, chinese
Sodium oleate
(13) Nailbiting and thumbsucking deterrent drug products (Docket No. 80N-0146):
Denatonium benzoate
(14) Oral health care drug products (nonantimicrobial) (Docket No. 81N-0033):
Antipyrine
Camphor
Cresol
Dibucaine
Dibucaine hydrochloride
Eucalyptol

TABLE 1.—OTC DRUG RULEMAKINGS AND ACTIVE INGREDIENTS COVERED BY THIS NOTICE—Continued

Rulemaking
Lidocaine
Lidocaine hydrochloride
Methyl salicylate
Myrrh tincture
Pyrilamine maleate
Sorbitol
Sugars
Tetracaine
Tetracine hydrochloride
Thymol
(15) Topical otic drug products for the prevention of swimmer's ear (Docket No. 77N-334S):
Acetic acid
(16) Poison treatment drug products (Docket No. 81N-0050):
Ipecac fluidextract
Ipecac tincture
Zinc sulfate
(17) Skin bleaching drug products (Docket No. 78N-0065):
Mercury, ammoniated
(18) Skin protectant drug products (Docket No. 78N-0021):
Sulfur Allantoin (wound healing claims only)
Tannic acid
Zinc acetate (wound healing claims only)
(19) Smoking deterrent drug products (Docket No. 81N-0027):
Clove
Coriander
Eucalyptus oil
Ginger, jamaica
Lemon oil, terpeneless
Licorice root extract
Menthol
Methyl salicylate
Quinine ascorbate
Silver nitrate
Thymol

[1] Does not apply to the use of menthol as an antipruritic when used in combination with the Category I antidandruff ingredient coal tar.

Accordingly, any drug product containing any of these active ingredients and labeled for the OTC use identified above will be considered nonmonograph and misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 352) and a new drug under section 201(p) of the act (21 U.S.C. 321(p)) for which an approved application under section 505 of the act (21 U.S.C. 355) and 21 CFR part 314 of the regulations is required for marketing. As an alternative, where there are adequate data establishing general recognition of safety and effectiveness, such data may be submitted in a citizen petition to amend the appropriate monograph to include any of the above active ingredients in OTC drug products. (See 21 CFR 10.30.)

Any OTC drug product containing any of the above ingredients either labeled or intended as an active ingredient for the uses included in the above rulemakings that is initially introduced or initially delivered for introduction into interstate commerce after May 7, 1991, and that is not the subject of an approved application will be in violation of sections 502 and 505 of the act (21 U.S.C. 352 and 355) and, therefore, subject to regulatory action. Further, any OTC drug product containing an ingredient subject to this rulemaking that is repackaged or relabeled after May 7, 1991, must be in compliance with the rule regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the rule at the earliest possible date.

No comments were received in response to the agency's request for specific comment on the economic impact of this rulemaking (55 FR 20434 at 20438). The agency concludes that there is no basis for the continued marketing of these ingredients for the uses listed in Table I above. There are other ingredients being considered for monograph status that manufacturers can use to reformulate affected products. In many instances, manufacturers have already reformulated their products to include these ingredients. As a result of this final rule, manufacturers may need to reformulate some products prior to promulgation of the applicable final monograph. However, there will be no additional costs because reformulation would be required, in any event, when the final monograph is published.

Early finalization of the nonmonograph status of the ingredients listed in this notice will benefit both consumers and manufacturers. Consumers will benefit from the early removal from the marketplace of ingredients for which safety and effectiveness have not been established. This will result in a direct economic savings to consumers. Manufacturers will benefit from being able to use alternative ingredients that are being considered as being found generally recognized as safe and effective without incurring additional expense of clinical testing for these ingredients. Based on the above, the agency certified that this final rule will not have a significant economic impact on a substantial number of small entities.

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and the Administrative Procedure Act, subchapter D of chapter I of title 21 of the Code of Federal Regulations is amended in part 310 as follows:

PART 310—NEW DRUGS

1. The authority citation for 21 CFR part 310 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 512–516, 520, 601(a), 701, 704, 705, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 360b–360f, 360j, 361(a), 371, 374, 375, 376); secs. 215, 301, 302(a), 351, 354–360F of the Public Health Service Act (42 U.S.C. 216, 241, 242(a), 262, 263b–263n).

2. Section 310.545 is added to subpart E to read as follows:

§ 310.545 Drug products containing certain active ingredients offered over-the-counter (OTC) for certain uses.

(a) A number of active ingredients have been present in OTC drug products for various uses, as described below. However, based on evidence currently available, there are inadequate data to establish general recognition of the safety and effectiveness of these ingredients for the specified uses:

(1) *Topical acne drug products.*

Alcloxa
Alkyl isoquinolinium bromide
Aluminum chlorohydrex
Aluminum hydroxide
Benzocaine
Benzoic acid
Boric acid
Calcium polysulfide
Calcium thiosulfate
Camphor
Chlorhydroxyquinoline
Chloroxylenol
Coal tar
Dibenzothiophene
Estrone
Magnesium aluminum silicate
Magnesium sulfate
Phenol
Phenolate sodium
Phenyl salicylate
Povidone-iodine
Pyrilamine maleate
Resorcinol (as single ingredient)
Resorcinol monoacetate (as single ingredient)
Salicylic acid (over 2 up to 5 percent)
Sodium borate
Sodium thiosulfate
Tetracaine hydrochloride
Thymol
Vitamin E
Zinc oxide
Zinc stearate

Zinc sulfide

(2) *Anticaries drug products.*

Acidulated sodium phosphate
Hydrogen fluoride
Sodium carbonate
Sodium monofluorophosphate (6 percent rinse)
Sodium phosphate

(3) *Antidiarrheal drug products.*

Aluminum hydroxide
Atropine sulfate
Calcium carbonate
Carboxymethylcellulose
Glycine
Homatropine methylbromide
Hyoscyamine sulfate
Lactobacillus acidophilus
Lactobacillus bulgaricus
Opium, powdered
Opium tincture
Paregoric
Phenyl salicylate
Scopolamine hydrobromide
Zinc phenolsulfonate

(4) *Antiperspirant drug products.*

Alum, potassium
Aluminun. bromohydrate
Aluminum chloride (alcoholic solutions)
Aluminum chloride (aqueous solution) (aerosol only)
Aluminum sulfate
Aluminum sulfate, buffered (aerosol only)
Sodium aluminum chlorohydroxy lactate

(5) *Boil treatment drug products.*

Aminacrine hydrochloride
Bismuth subnitrate
Calomel
Camphor
Cholesterol
Ergot fluidextract
Hexachlorophene
Isobutamben
Juniper tar
Lanolin
Magnesium sulfate
Menthol
Methyl salicylate
Oxyquinoline sulfate
Petrolatum
Phenol
Pine tar
Rosin
Rosin cerate
Sassafras oil
Thymol
Zinc oxide

(6) *Cold, cough, allergy, bronchodilator, and antiasthmatic drug products*—(i) *Antihistamine drug products.*

Methapyrilene hydrochloride
Methapyrilene fumarate
Thenyldiamine

(ii) *Nasal decongestant drug products.*

Allyl isothiocyanate
Camphor (lozenge)
Creosote, beechwood (oral)
Eucalyptol (lozenge)
Eucalyptol (mouthwash)
Eucalyptus oil (lozenge)
Eucalyptus oil (mouthwash)
Menthol (mouthwash)
Peppermint oil (mouthwash)
Thenyldiamine
Thymol
Thymol (lozenge)
Thymol (mouthwash)
Turpentine oil

(7) *Dandruff/seborrheic dermatitis/psoriasis drug products.*

Alkyl isoquinolinium
Allantoin
Benzalkonium chloride
Benzethonium chloride
Boric acid
Calcium undecylenate
Captan
Chloroxylenol
Colloidal oatmeal
Cresol, saponated
Ethohexadiol
Eucalyptol
Juniper tar
Lauryl isoquinolinium
Methol (Does not apply to the use of menthol as an antipruritic when used in combination with the Category I antidandruff ingredient coal tar)
Mercury oleate
Methylbenzethonium
Methyl salicylate
Phenol
Phenolate sodium
Pine tar
Providone-isodine
Resorcinol
Sodium borate
Sodium salicylate
Thymol
Undecylenic acid

(8) *Digestive aid drug products.*

Bismuth sodium tartrate
Calcium carbonate
Cellulase
Dehydrocholic acid
Dihydroxyaluminum
Duodenal substance
Garlic, dehydrated
Glutamic acid
Hemicellulase
Homatropine
Magnesium hydroxide
Magnesium trisilicate
Ox bile extract
Pancreatin
Pancrelipase
Papain
Peppermint oil
Pepsin
Sodium bicarbonate
Sodium citrate
Sorbitol

(9) *Exocrine pancreatic insufficiency drug products.*

Hemicellulase

(10) *External analgesic drug products*—(i) *Analgesic and anesthetic drug products.*

Aspirin
Chloral hydrate
Chlorobutanol
Cyclomethycaine sulfate
Eugenol
Hexylresorcinol
Methapyrilene hydrochloride
Salicylamide
Thymol

(ii) *Counterirritant drug products.*

Chloral hydrate
Eucalyptus oil

(iii) *Male genital desensitizer drug products.*

Benzyl alcohol
Camphorated metacresol
Ephedrine hydrochloride

(11) *Ingrown toenail relief drug products.*

Chloroxylenol
Urea

(12) *Laxative drug products*—(i) *Bulk laxatives.*

Agar
Carrageenan (degraded)
Carrageenan (native)
Guar gun

(ii) *Saline laxative.*

Tartaric acid

(iii) *Stool softener.*

Poloxamer 188

(iv) *Stimulant laxatives.*

Aloin
Bile salts/acids
Calcium pantothenate
Calomel
Colocynth
Elaterin resin
Frangula
Gamboge
Ipomea
Jalap
Ox bile
Podophyllum resin
Prune concentrate
Prune powder
Rhubarb, Chinese
Sodium Oleate

(13) *Nailbiting and thumbsucking deterrent drug products.*

Denatonium benzoate

(14) *Oral health care drug products (nonantimicrobial).*

Antipyrine
Camphor
Cresol
Dibucaine
Dibucaine hydrochloride
Eucalyptol
Lidocaine
Lidocaine hydrochloride
Methly salicylate
Myrrh tincture
Pyrilamine maleate
Sorbitol
Sugars
Tetracaine
Tetracaine hydrochloride
Thymol

(15) *Topical otic drug products for the prevention of swimmer's ear.*

Acetic acid

(16) *Poison treatment drug products.*

Ipecac fluidextract
Ipecac tincture
Zinc sulfate

(17) *Skin bleaching drug products.*

Mercury, ammoniated

(18) *Skin protectant drug products.*

Allantoin (wound healing claims only)
Sulfur
Tannic acid
Zinc acetate (wound healing claims only)

(19) *Smoking deterrent drug products.*

Clove
Coriander
Eucalyptus oil
Ginger, Jamaica
Lemon oil, terpeneless
Licorice root extract
Menthol
Methyl salicylate
Quinine ascorbate
Silver nitrate
Thymol

(b) Any OTC drug product that is labeled, represented, or promoted for the uses specified and containing any active ingredient(s) as specified in paragraph (a) of this section is regarded as a new drug within the meaning of section 210(p) of the Federal Food, Drug, and Cosmetic Act (the act), for which an approved new drug application under section 505 of the act and part 314 of this chapter is required for marketing. In the absence of an approved new drug application, such product is also misbranded under section 502 of the act.

(c) Clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted for the OTC uses and containing any active ingredient(s) as specified in paragraph (a) of this section is safe and effective for the purpose intended must comply with the requirements and procedures governing the use of investigational new drugs set forth in part 312 of this chapter.

(d) After May 7, 1991, any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Dated: October 1, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90-26287 Filed 11-6-90; 8:45 am]

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Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Establishment of the Harlingen Airport Radar Service Area; TX; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AWA-6]

Establishment of the Harlingen Airport Radar Service Area; TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes an Airport Radar Service Area (ARSA) at Harlingen, TX. Rio Grande Valley International Airport is a public airport with an operating control tower served by a Level III Radar Approach Control Facility. Establishment of this ARSA requires that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at the affected location promotes the efficient control of air traffic and reduces the risk of midair collision in terminal areas.

EFFECTIVE DATE: 0901 utc, December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and the procedural aspects of the air traffic control (ATC) system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1-2 concluded that Terminal Radar Service Areas (TRSAs) should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was recommended by a consensus.

The FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service," in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSAs at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSAs were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSAs were permanently established at the Austin, TX; Columbus, OH; and the Baltimore/Washington International Airports (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSAs for other airports at which TRSA procedures are in effect. Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSAs at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria include among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. These criteria have been developed and are published via the FAA directives system.

The FAA has established ARSAs at 122 locations under a paced implementation plan to replace TRSAs with ARSAs.

On August 6, 1990, the FAA proposed to designate an ARSA at Harlingen, TX (55 FR 32064). Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. However, three comments were received as follows:

1. Aircraft Owners and Pilots Association (AOPA) commends FAA for the configuration of Harlingen ARSA. AOPA recommends that after the ARSA is in place for six months, a users meeting should be held to identify and correct problems.

The FAA will conduct a users meeting after six months of operation of the Harlingen ARSA to determine if there are problems for pilots that should be studied.

2. Air Transport Association of America, in coordination with the five members of the Association currently serving the Rio Grande Valley International Airport, Harlingen, concurs with its establishment.

3. Air Line Pilots Association (ALPA), representing 42,000 pilots who fly for 50 airlines, has reviewed the subject proposal and concurs with the establishment of the Harlingen ARSA. However, ALPA strongly recommends a navigational aid be installed on the airport so that ARSA boundaries could be defined by radial and distance measuring equipment (DME) in conjunction with landmarks.

The FAA has no current plans to install a VOR on the surface of the Rio Grande Valley International Airport, Harlingen. However, there are tentative plans to install a DME in conjunction with the installation of an instrument landing system (ILS) on Runway 17R.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.501 of part 71 of the Federal Aviation Regulations in FAA Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations designates an ARSA at Rio Grande Valley International Airport, Harlingen, TX. This location is a public airport with an operating control tower served by a Level III Radar Approach Control Facility. Establishment of this ARSA will require that pilots maintain two-way radio communication with ATC while in the ARSA. Implementation of ARSA procedures at this location will reduce the risk of midair collision in terminal areas and promote the efficient control of air traffic.

Regulatory Evaluation Summary

This section summarizes the regulatory evaluation prepared by the FAA which provides more detailed information on estimates of the potential economic consequences of this rule. This summary and the full evaluation quantify, to the extent practicable, estimated costs of this rule to the private sector, consumers, and Federal, State, and local governments, and also the anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is

likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the Executive Order. Therefore, a full regulatory impact *analysis*, which includes the identification and evaluation of cost-reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document termed a "regulatory evaluation," which analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If the reader desires more detailed economic information than this summary contains, then he or she should consult the full regulatory evaluation contained in the docket.

Costs

The FAA has determined that the establishment of the ARSA at Harlingen will only impose a negligible cost of $500 (discounted, 1989 dollars) to the agency and no additional cost to the aviation community (namely, aircraft operators and fixed based operators).

1. FAA Administrative Costs (air traffic controller staffing, controller training, and facility equipment).

For this final rule, the FAA does not expect to incur any additional costs for air traffic controller staffing, controller training, or facility equipment. The FAA contends that it can handle any additional traffic that will participate in radar services at ARSAs through more efficent use of personnel at current authorized staffing level.

The FAA expects to be able to train its controller force in ARSA procedures during regularly scheduled briefing sessions routinely held at Harlingen and Corpus Christi (and all other ARSA facilities). Therefore, no additional training costs are expected as a result from implementation of the ARSA at Harlingen. Because the Harlingen Airport currently provides Stage II service, which already has a terminal radar systems installed, it will not be necessary to procure additional equipment. For the ARSA program in general, modification of the computer software used to operate radar equipment may be necessary, though this has not happened to date. In some instances, previously adopted plans to replace or modify older existing equipment may be rescheduled to accommodate the ARSA program. However, no significant additional equipment requirements are anticipated. Essentially, the FAA will be modifying its terminal radar procedures in the ARSA program in a manner that will make more efficient use of existing resources.

An example of the ARSA program's promotion of more efficient resource utilization is the installation of a new generation of radar called the ASR-9 in Harlingen. Although the radar is located in Harlingen, its operation and control have been remoted to Corpus Christi, TX. This is because Corpus Christi ATC already has the necessary air traffic facilities and experienced personnel to provide ARSA service. Corpus Christi is currently served by an established Level III radar approach control and an ARSA at Corpus Christi International Airport. In addition, Corpus Christi ATC currently provides Stage II services at Rio Grande Valley International Airport (HRL) and other area airports. As the result of this rule, Corpus Christi ATC will also provide ARSA services at HRL without the need for additional resources.

Because of the experience Corpus Christi ATC has had with ARSA operations, the FAA expects no additional staffing, training, or equipment costs as a result of the ARSA at Harlingen.

2. Other FAA Administrative Costs (revision of charts, notification of the public, and pilot education)

Establishment of ARSAs throughout the country have made it necessary, and will continue to make it necessary, to revise sectional charts to remove existing airspace depictions and incorporate the new ARSA airspace boundaries. The current FAA practice is to revise these sectionals every 6 months. Changes of the type required to depict an ARSA are made routinely during charting cycles, and it can be considered an ordinary cost of doing business. Therefore, the FAA does not expect to incur any additional charting costs as a result of the ARSA at Harlingen. Pilots will obtain charts depicting ARSAs as they are published during the charting cycles. Because pilots are already required to use current charts, they also will not incur any additional costs.

The FAA routinely holds an informal public meeting at each location where an ARSA is proposed. These meetings provide pilots with the best opportunity to learn both how an ARSA works and how it would affect their local operations. The expenses associated with these public meetings will be incurred regardless of whether an ARSA is being ultimately established. Thus, they are more appropriately considered routine FAA costs. However, there will be public information costs attributed to this rule. Such costs will be incurred primarily as the result of distributing a "Letter To Airmen" to all pilots residing within 50 miles of the Harlingen ARSA site. This letter will explain the operation and airspace configuration of the ARSA. The FAA will also issue an Advisory Circular on the Harlingen ARSA.

The combined Letter to Airmen and prorated Advisory Circular costs for the Harlingen ARSA will amount to an estimated $500 (discounted). This one-time negligible cost will be incurred upon establishment of the ARSA.

For the ARSA program in general, FAA district offices throughout the country conduct aviation safety seminars. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues, including ARSAs, and do not involve additional costs strictly as a result of the ARSA program. Additionally, no significant costs are expected to be incurred as a result of the follow-up user meetings that are held at each site following implementation of the ARSA. The FAA organizes these meetings to get feedback from users on local ARSA operations. The meetings are held at public or other facilities and are provided free of charge or at a nominal cost. Because local FAA facility personnel conduct these meetings, no travel, per diem, or overtime costs are incurred by regional or headquarters personnel.

3. Potential Operating Costs To The Aviation Community (circumnavigation, delays, and radio communications equipment)

Potential Circumnavigation Costs. The FAA anticipates that some pilots who currently transit the terminal area without establishing radio communications or participating in Stage II services may choose to circumnavigate the ARSA. However, the FAA contends that these operators could circumnavigate the ARSA without significantly deviating from their regular flight path. They could also fly above the ceiling (4,000 feet MSL) or under the floor (1,200 feet MSL) to remain clear of the ARSA. Because of this relatively short distance, the FAA estimates that this rule will have a minimal, if any, cost impact on general aviation (GA) aircraft operations.

Potential Costs of Delays. This rule could impose additional costs to aircraft operators in the form of delays. The FAA recognizes that the potential exists for delays to develop at HRL following the establishment of an ARSA there. The additional traffic that ATC will be handling as a result of the mandatory participation requirement may result in minor delays to aircraft operations. The FAA does not expect such delays to be significant. The flexibility afforded controllers in handling traffic as a result of the separation standards allowed in an ARSA will keep delay problems to a minimum. Those problems that do occur are typically transitional in nature. This has been the experience at the three locations where ARSAs have been in effect for the longest period of time and at most of the more recently designated ARSA locations. ATC facilities eventually gain the operating experience and knowledge to tailor procedures and allocate resources to take the fullest advantage of the efficiencies that ARSAs permit. A few ARSA sites have encountered situation specific difficulties in making the transition to an ARSA, and the FAA is attempting to resolve these local problems. However, the FAA does not anticipate that any circumstances exist at HRL that will result in such problems, and it is expected to experience the smooth transition process that has characterized the majority of ARSA sites established to date.

Potential Costs of Communications Equipment. The FAA does not expect that any operators will find it necessary to install radio transceivers as a result of this rule. Aircraft operating to and from HRL already are required to have two-way radio communications capability because of the existing airport traffic area and, therefore, these aircraft operators are not expected to incur any additional costs as a result of this ARSA. Nevertheless, the FAA has made an effort to minimize potential radio installation costs. This will be accomplished by providing cutouts along the floor of the ARSA. In addition, procedural agreements between ATC and affected satellite airports could be used to avoid imposing radio installation costs on operators at those airports.

4. Other Potential Costs To The Aviation Community.

Special situations might exist where establishment of the ARSA could impose certain costs on users. Some of the users and activities that may be affected are local fixed-base operators and airport operators, flight training, crop dusting, soaring, ballooning, parachuting, ultralight operators, and banner towing operators. However, the FAA may employ exclusions, cutouts, and special procedures to alleviate any adverse impacts. The FAA may also develop special procedures to accommodate these activities through local agreements between ATC and the affected organizations. For these reasons, the FAA does not expect any such adverse impacts to occur as a result of this rule.

5. Mode C and TCAS Rules

As the result of this ARSA rule, Harlingen will be subject to the "Transponder With Automatic Altitude Reporting Capability Requirement (Mode C)" (53 FR 23356, June 21, 1988). Phase II of the Mode C Rule goes into effect for ARSAs on December 30, 1990. It states that all aircraft must be equipped with an operable transponder with Mode C capability when operating in and above an ARSA. Specifically, the Mode C Rule affects all aircraft operating in an ARSA and in all airspace above an ARSA beginning at the ceiling and extending upward to 10,000 feet MSL within the lateral confines of an ARSA. The requirement also applies to any ARSA designated in the future.

Some aircraft operators may have to acquire (or upgrade to) a Mode C transponder as a result of the ARSA. However, the cost of acquiring a Mode C transponder for all GA aircraft in the U.S. was completely accounted for in the Mode C Rule. The Mode C Rule assumed a worst-case scenario that all operators of GA aircraft without a transponder with Mode C will acquire such equipment. The FAA contends that GA operators will acquire Mode C transponders to avoid having to continually circumnavigate the increasing amount of airspace that requires Mode C transponders. Thus, any Mode C acquisition costs as a result of the Harlingen ARSA or any other ARSA has already been attributed entirely to the Mode C rule.

The FAA has also adopted regulations requiring certain aircraft operators to install a traffic alert and collision avoidance system (TCAS, 54 FR 940, January 10, 1989). TCAS allows air carriers to determine the position of other aircraft from the signal emitted by Mode C transponders. TCAS then will issue resolution advisories as to what evasive actions are most appropriate to avoid a collision. The TCAS Rule will have no cost impact on this ARSA rule. However, it will contribute to the potential benefits. The benefits of the ARSA at Harlingen are discussed below.

Benefits

The FAA has determined that the potential benefits of this final rule will be enhanced aviation safety (in terms of a lowered likelihood of midair collisions) and improved operational efficiency (in terms of higher air traffic controller productivity with existing resources). These potential benefits are difficult to quantify and express in monetary terms. Thus, such benefits have been analyzed in qualitative terms, as explained in the following sections.

The safety and efficiency benefits of this rule are attributed to simplification and standardization of ARSA configurations and operating procedures. ARSAs allow ATC greater flexibility in handling air traffic and enable ATC to move traffic more efficiently, with increased safety in the form of a reduced likelihood of a midair collision.

The NAR task group found that airspace users, especially GA users, encountered significant problems with terminal radar services. Different levels of radar service offered within terminal areas caused confusion and users were not always certain what restrictions and privileges existed. The standardization and simplification of the ARSA concept is expected to alleviate many of these problems. As both pilots and controllers become more familiar with ARSA operating procedures, all IFR and VFR traffic is expected to move as efficiently and expeditiously as it did under State II service. These benefits of the ARSA program cannot be specifically attributed to individual airports, but rather will result from the overall improvements in terminal area air traffic control procedures realized as ARSAs are implemented throughout the country. Establishment of an ARSA at Harlingen, TX will contribute to these overall improvements.

The ARSA at Harlingen will generate potential safety benefits in the form of a lowered likelihood of midair collisions due to increased positive control of airspace around HRL. Because of the proactive nature of this rule to establish an ARSA at HRL, the potential safety benefits are difficult to quantify in monetary terms. Based on symptoms that indicate an increased probability of a midair collision at HRL, the FAA is establishing an ARSA there to prevent a safety problem from occurring. These early symptoms are the increased volume of passenger enplanements and the increased complexity of aircraft operations at HRL.

The volume of passenger enplanements at HRL has risen

dramatically. Enplanements at HRL for 1989 are estimated to be 560,000 (up from 297,000 in 1980) and are projected to be 1.2 million by the year 2000. This high volume of passenger enplanements had made HRL eligible to become an ARSA. The number of aircraft operations have also increased. Operations at HRL in 1989 are estimated to be 64,000 and are projected to be 84,000 by the year 2000.

The complexity of aircraft operations at HRL has also increased. Complexity refers to air traffic conditions resulting from a mix of controlled and uncontrolled aircraft. As complexity increases, so does the potential for midair collisions. Several factors have lead to this increased complexity at HRL:

- Federal Express is expected to make HRL its hub for service into Mexico and will soon be operating Boeing 727s out of HRL.
- U.S. customs is expected to expand their Port of Entry operations in the near future and is considering establishing their base of operations at HRL. The Port of Entry is expected to dramatically increase general aviation traffic over the short run. Local fixed base operators are expecting an immediate 40% increase in their business as a direct result of the Port of Entry.
- The Confederate Airforce has its headquarters in Harlingen and presently occupies several hangars at HRL. Harlingen is host to the Winter Texas Airshow and the Confederate Airshow. The latter generates about 1,000 aircraft operations a day that are worked by ATC at HRL.
- Harlingen is located in the center of a major agricultural belt. Currently, there are approximately 200 crop duster operations daily in the Harlingen area.
- Aero Mexico, an air taxi operator, is presently negotiating for service from HRL to several cities in Mexico.

The ARSA program has the potential for reducing the number of near-midair collisions (NMACs). In a study [*Selected Statistics Concerning Pilot Reported Near Midair Collisions (1983–1985)*, FAA Office of Aviation Safety—Safety Analysis Division (ASF–200), June 1986], the FAA found that approximately 15 percent of reported NMACs occur in TRSA airspace. The study found that about half of all NMACs occur in the 1,000 to 5,000 feet altitude range, which is closely comparable to the altitudes where pilot participation will be mandatory in the ARSA. The study also found that over 85 percent of NMACs occur in VFR conditions when visibility is five miles or greater. Finally, the study found that the largest number of NMAC reports is associated with IFR operators under radar control conflicting with VFR traffic during VFR flight conditions below 12,500 feet. The mandatory participation requirements of the ARSA and the radar services provided by ATC to VFR as well as IFR pilots will help alleviate such conflicts that are now occurring in TRSA and other non-ARSA airspace.

The NAR task group also reviewed NMAC data for Austin, TX, and Columbus, OH, from 1978 to 1984. They found that the presence of an ARSA would have reduced the probability of NMAC occurrence by 38 percent of the reported incidents at Austin, and 33 percent at Columbus. The Office of Aviation Policy and Plans (APO) study entitled, *Airport Radar Service Area (ARSA) Analysis*, August 1984, by Ken Geisinger, APO–120, estimated that the potential for NMACs could be reduced by about 44 percent. Although no quantifiable benefits can be attributed to a reduction in near midair collisions, near midair and actual midair collisions result from similar causal factors. A reduction in near midair collisions suggests that a reduction in actual midair collisions may also be expected as a result of the ARSA program.

An FAA study by Ken Geisinger of the ARSA confirmation sites included a detailed analysis to determine if a reduction in midair collision risk might result from replacing a TRSA with an ARSA. The collision risk analysis was based upon the experience at Columbus because recorded radar data through Automated Radar Terminal System ARTS III–A extraction was available only at Columbus. The study focused on conditions of fairly heavy VFR activity since the ARSA affects procedures used to handle VFR traffic in the terminal radar area. Because the replacement of a TRSA with an ARSA might alter the routes of travel, particularly for aircraft that did not previously participate in the TRSA, the analysis examined the intersections of flight paths before and after the ARSA was installed. The flight path analysis focused on the areas immediately around, under, and above the ARSA, and determined that there was no compression of traffic in this airspace following installation of the ARSA. In the absence of compression, the study concluded that the mandatory participation requirement for all aircraft operating within the ARSA resulted in a 75 percent reduction in midair collision risk.

The FAA has reviewed NTSB midair collision accident records for the period between January 1978 and October 1984. This review indicated that the establishment of an ARSA, in place of a TRSA where these accidents occurred, could greatly reduce the likelihood of midair collisions. Because the circumstances observed at the Columbus test site may not be the same at other TRSA locations, the 75 percent reduction in midair collision risk measured at Columbus may not be achieved at other ARSA sites. Therefore, the FAA conservatively estimates that the ARSA program would reduce the risk of a midair collision by only 50 percent at TRSA locations that are replaced with ARSAs. Establishing ARSAs at high density airports currently provided Stage II radar service will also similarly contribute to a reduction in midair collision risk.

The reduction by 50 percent to one or two midair collisions per year where an ARSA could have made a difference, would result in the prevention of one midair collision nationally every 1 to 2 years. The quantifiable benefits of preventing a midair collision can range from less than $150,000, resulting from the prevention of a minor nonfatal accident betweeen GA aircraft, to $250 million or more, resulting from the prevention of a midair collision involving a passenger jet airplane. Establishment of the ARSA at Harlingen will contribute to this improvement in national aviation safety.

Ordinarily, the benefit of an incremental reduction in the likelihood of midair collisions from establishing an ARSA would be attributed entirely to the ARSA program. However, an indeterminant amount of the benefits have to be credited to the interaction of the ARSA at Harlingen (and the ARSA program in general) with the Mode C Rule, which in turn interacts with the TCAS Rule. This is because the benefits of the ARSA at Harlingen, as well as other designated airspace that require Mode C transponders, cannot be separated from the benefits of the Mode C and TCAS rules. Thus, the potential shared safety benefits of the ARSA and Terminal Control Area (TCA) programs and the Mode C and TCAS Rule total $2.1 billion (discounted) in 1989 dollars.

Comparison of Costs and Benefits

The FAA has determined that this rule to establish an ARSA at Harlingen, TX, will impose a negligible administrative cost of $500 to the agency. When this cost estimate of $500 is added to the total cost of $808.5 million of the TCA program and the Mode C and TCAS Rules, the combined cost will still be less than the total potential safety benefits ($2.1 billion). This rule will also generate some benefits in the form of enhanced aviation operational efficiency. In addition, this rule will not impose any additional cost to the aviation community. Thus, the FAA believes that this rule will be cost-beneficial.

International Trade Impact Assessment

This final rule will only affect U.S. terminal airspace operating procedures at and in the vicinity of Harlingen, TX. This rule will not impose a competitive trade disadvantage to foreign firms on the sale of either foreign aviation products or services in the United States. In addition, domestic firms will not incur a competitive trade disadvantage on either the sale of United States aviation products or services in foreign countries.

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

Under FAA Order 2100.14A entitled, *Regulatory Flexibility Criteria and Guidance*, a significant economic impact means annualized net compliance cost to an entity, which when adjusted for inflation, is greater than or equal to the threshold cost level for that entity. A substantial number of small entities means a number that is not fewer than eleven and represents more than one-third of the small entities subject to a proposed or existing rule.

For the purpose of this evaluation, the small entities that will be potentially affected by this final rule are defined as fixed base operators, flight schools, agricultural operators, and other small aviation businesses located at satellite airports located within five nautical miles of a potential ARSA center. Participation in the TRSA and radio communication with ATC, prior to this rule, was voluntary. As the result of this rule, participation in the ARSA will be mandatory and businesses at airports located within the five-nautical-mile core might be altered or lose customers to airports outside of the five-nautical-mile ARSA core. The FAA has endeavored to exclude almost every satellite airport located within the five-nautical-mile-ring to avoid adversely impacting their operations, and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes were achieved through Letters of Agreement between ATC and the affected airports by establishing special procedures for aircraft operators. In this manner, the FAA expects to virtually eliminate any adverse impact on the operations of small satellite airports that could result from the ARSA program. Similarly, the FAA expects to eliminate potential adverse impacts on existing flight-training practice areas, as well as on soaring, ballooning, parachuting, and ultralight and banner towing activities, by developing special procedures that would accommodate these activities through local agreements between ATC facilities and the affected organizations. The FAA has utilized such arrangements extensively in implementing the ARSAs that have been established to date.

The FAA expects that any delay problems that may initially develop following implementation of an ARSA would be transitory. Furthermore, airports that would be affected by this ARSA program represent only a small proportion of the public use airports affected by the Harlingen ARSA. Thus, small entities of any type that use aircraft in the course of their business would not be adversely impacted.

For these reasons, the FAA determined that this rule will not result in a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required under the terms of the RFA.

Federalism Implications

The regulation adopted herein will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, preparation of a Federalism assessment is not warranted.

Conclusion

For the reasons discussed under "Regulatory Evaluation" the FAA has determined that this regulation (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

List of Subjects in 14 CFR Part 71

Airport radar service areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.501 [Amended]

2. § 71.501 is amended as follows:

Harlingen, TX [New]

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Rio Grande Valley International Airport (lat. 26°13'41"N., long. 97°39'15"W.), excluding that airspace east of the Arroyo Colorado that is north of the Southern Pacific Railroad; and that airspace extending upward from 2,000 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from Farm Road 1420 and the Arroyo Colorado clockwise to the Southern Pacific Railroad; and that airspace extending upward from 1,300 feet MSL to 4,000 feet MSL to the 10-mile radius of the airport from the Southern Pacific Railroad clockwise to U.S. Highway 83 (Business Route); and that airspace extending upward from 1,500 feet MSL to 4,000 feet MSL from U.S. Highway 83 (Business Route) clockwise to U.S. Highway 77 (Business Route); and that airspace extending upward from 1,200 feet MSL to 4,000 feet MSL from U.S. Highway 77 (Business Route) clockwise to Farm Road 1420.

Issued in Washington, DC, on November 1, 1990.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 90-26283 Filed 11-6-90; 8:45 am]

BILLING CODE 4910-13-M

federal register

Wednesday
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Part V

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 15
Federal Acquisition Regulation (FAR); Evaluation Factors; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 15

Federal Acquisition Regulation (FAR); Evaluation Factors

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering a change to FAR 15.605 to state that quality must be an evaluation factor in solicitations for services but must only be considered in the planning of other acquisitions. This change will better implement the requirements of Public Law 99–661, section 924(a).

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before January 7, 1991, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to:

General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., room 4041 Washington, DC 20405.

Please cite FAR Case 90–52 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Mrs. Victoria Moss, Office of Federal Acquisition Policy, room 4041, GS Building, Washington, DC 20405, (202) 501–0168. Please cite FAR Case 90–52.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because it merely clarifies the use of "quality" as an evaluation factor. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. However, comments from small entities concerning the affected FAR section will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90–610 (FAR Case 90–52) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed change to the FAR does not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 15

Government procurement.

Dated: October 31, 1990.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR part 15 be amended as set forth below:

PART 15—CONTRACTING BY NEGOTIATION

1. The authority citation for 48 CFR part 15 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 15.605 is amended by revising paragraph (b) to read as follows:

15.605 Evaluation factors.

* * * * *

(b) The evaluation factors that apply to an acquisition and the relative importance of those factors are within the broad discretion of agency acquisition officials. However, price or cost to the Government shall be included as an evaluation factor in every source selection. Quality also shall be considered in planning every source selection and shall be included as an evaluation factor in solicitations for services. In evaluation factors, quality may be expressed in terms of technical excellence, management capability, personnel qualification, prior experience, past performance, and schedule compliance. Any other relevant factors, such as cost realism, may also be included.

* * * * *

[FR Doc. 90–26290 Filed 11–6–90; 8:45 am]

BILLING CODE 6820–34–M

federal register

Wednesday
November 7, 1990

Part VI

Congressional Budget Office

Final Sequestration Report for Fiscal Year 1991 to Congress and the Office of Management and Budget; Notice of Transmittal

CONGRESSIONAL BUDGET OFFICE

Notice of Transmittal of Final Sequestration Report for Fiscal Year 1991 to Congress and the Office of Management and Budget

Pursuant to the Omnibus Budget Reconciliation Act of 1990, Section 254(b), the Congressional Budget Office hereby reports that it has submitted its Final Sequestration Report for Fiscal Year 1991 to the House of Representatives, the Senate, and the Office of Management and Budget.

Mark Desautels,

Director, Office of Intergovernmental Relations, Congressional Budget Office.

[FR Doc. 90-26567 Filed 11-6-90; 12:36 pm]

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FEDERAL REGISTER PAGES AND DATES, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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